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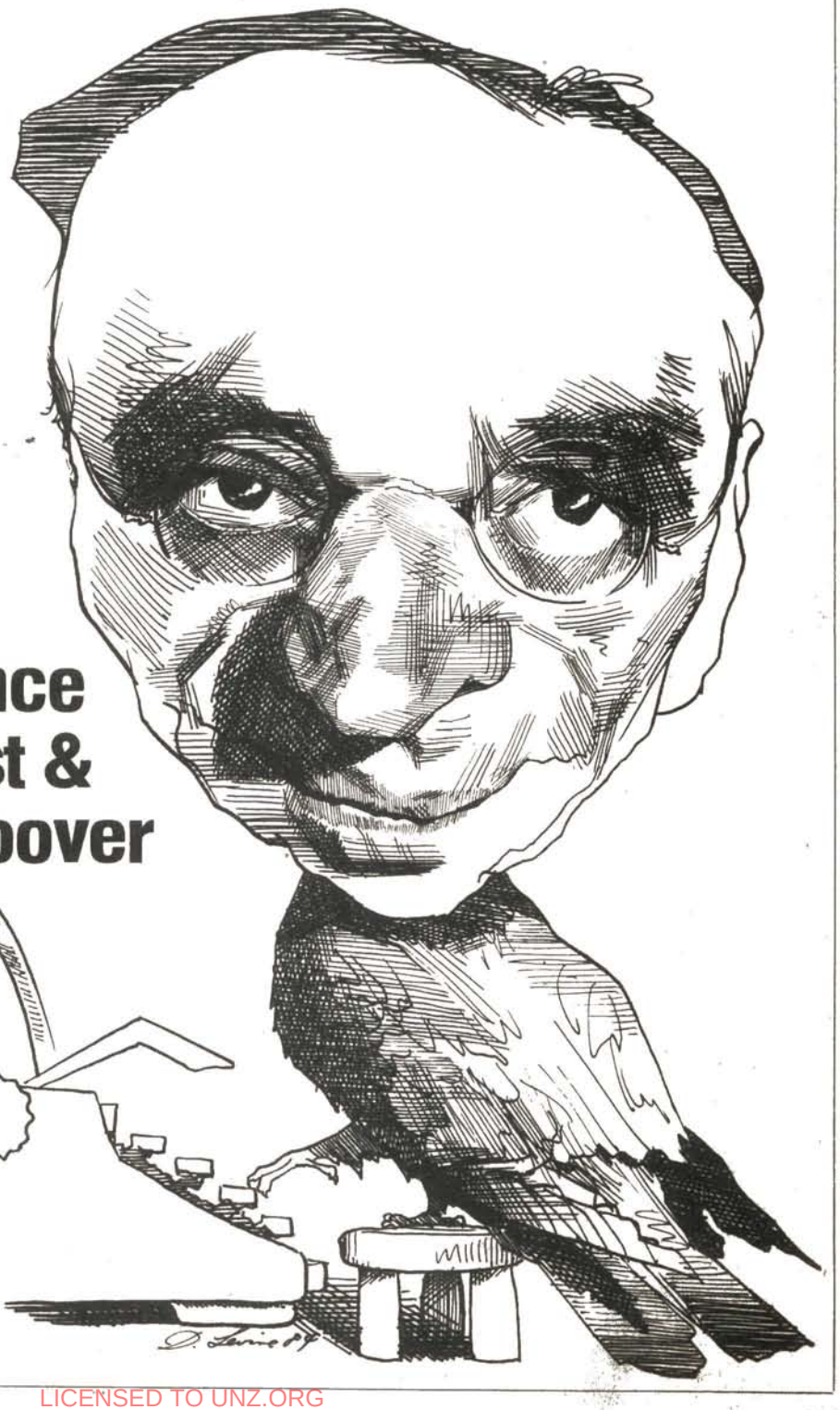

The Strange Correspondence Of Morris Ernst & John Edgar Hoover 1939-1964

Harrison E. Salisbury

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EXCHANGE.

Nicaraguan Elections: Fair or Foul?

New York City

In his article examining the campaign of Arturo José Cruz in Nicaragua, Mark Cook begins by dubbing Cruz "the Reagan Administration's favorite Nicaraguan opposition leader" ["The Reluctant Candidate," Oct. 13]. Those familiar with Cruz's views know that this is a grossly unfair characterization. Indeed, an October 21 report in *The New York Times* by Philip Taubman indicated that the Reagan Administration privately opposed Cruz's electoral campaign out of fear that his "involvement would legitimize the electoral process." Cruz has been fairly consistent in his beliefs—he's not a Marxist-Leninist, as are the majority of Sandinista *comandantes*, but a self-proclaimed social democrat who was careful never to endorse or associate himself with the *contras* waging an armed war against the Sandinista government. Cruz considers himself a supporter of the original broadly based Nicaraguan revolution, who seeks to effect a reconciliation of the forces that brought down Anastasio Somoza, thus saving the revolution from a defeat due as much to its own sectarianism as to attacks by the Reagan Administration.

Cook presents a picture of flexible Sandinistas meeting only rebuffs from an unpopular and politically weak Cruz. The truth is precisely the opposite. Indeed, Cruz received what he has called a vast "outpouring of support," to which the Sandinistas responded with press censorship and violence. His reception was so solid last August in Chinandega that the Sandinistas censored press reports that would have alerted Cruz's countrymen to the depth of his support. Somewhere between 7,000 and 20,000 people turned out to hear him—a large number given the government's harassment of Cruz, and especially when compared to the 2,500 who turned out for the official F.S.L.N. May Day rally. A few weeks ago in Managua, Cruz and his backers were again met with violence; NBC News videotaped this vicious attack on Cruz and his followers by government-inspired *turbas* ("mobs") trucked in for the occasion and armed with steel pipes and machetes. Cruz's followers came in open defiance of the Sandinista mobs. When attacked, some of his supporters responded in kind. It was not a case, as Cook would have it, of simple rock throwing by enthusiastic supporters of each side.

Was Cruz's request to postpone the elections simply a mechanism by which the Reagan Administration could undermine the Sandinistas? Hardly, since a cessation of *contra* activity as part of an agreement with the Coordinadora coalition—which Cruz said he would have tried to obtain if conditions for meaningful elections had been met—would have undermined the Administration's desire to keep arming the rebels for war against the revolution. Moreover, it was a fair demand. The opposition parties have not been permitted meaningful freedom in the past five years, while the F.S.L.N. has had a monopoly over the media as well as social control exercised through the local committees for the Defense of Sandinismo, many of them led by former Somoza police agents. . . . Since the Sandinistas were so sure they would have won an electoral contest in which Cruz participated, they could have extended the election deadline and allowed Cruz to undertake a real campaign. Then their victory would have seriously legitimized their power.

Perhaps the reason the *comandantes* so fear Cruz is that in reality they are not so sure of overwhelming support, and moved to hold elections only to placate Western supporters. Cook does not quote Comandante Bayardo Arce's recent speech calling for "defense of the dictatorship of the proletariat." While elections are a "hindrance" to that goal, Arce explained, they can be useful as "an expedient to deprive our enemies of an argument." As George Black of the North American Congress on Latin America recently commented in a *New York Times* Op-Ed essay, the hard-liners among the *comandantes* find "elections a nuisance except insofar as they would help 'to perfect revolutionary power.'"

Finally, Cook is plain wrong in his claim that the elections had "considerable support in social-democratic circles in Western Europe and Latin America." Rather than "full agreement" and "satisfaction" with the November 4 elections, the Socialist International publicly appealed to both sides to continue their "dialogue" until an "agreement [was] reached" for truly meaningful elections. Indeed, it was the S.I. pressure, and in particular that from former Venezuelan President Carlos Andres Pérez, that forced Arce and the Sandinistas to negotiate with Cruz and reach their nine-point program. According to George Black, Arce, "perhaps the most orthodox of the comandantes," backed out of the negotiations "just when an agreement appeared to be within reach." The S.I. clearly was using its longstanding support of the revolution and its strong opposition to U.S. policy to pressure the *comandantes* to democratize their revolution and provide for elections in which Arturo Cruz was allowed to contest for power as the Coordinadora candidate.

The efforts failed and the Nicaraguan elections took place as scheduled, without Cruz's participation. What might have been a chance for the Nicaraguan revolution to gain legitimacy, and to undermine the attempts of the Reagan Administration to isolate it, became a charade. The dogmatism of the hard-line *comandantes*, combined with Central Intelligence Agency pressure on the right wing of the Coordinadora, destroyed any chance for the elections to succeed. If coolheaded pragmatism is to have a chance to surface among the Sandinistas, instead of a sectarian tilt to the left and toward the Soviet Union, those North Americans who hope for breathing space for the revolution do not do it any service by writing the type of cheerleading articles that reinforce the most dogmatic and undemocratic elements among the Sandinista leadership. Indeed, its only chance of success lies along lines that lead to a democratization and moderation that includes reconciliation with the type of Nicaraguan patriot represented by Arturo Cruz.

Ronald Radosh

COOK REPLIES

New York City

Ronald Radosh's argument that "the *comandantes* so fear Cruz . . . [because] they are not so sure of overwhelming support" is nonsense, as the election results have shown. Abstention and spoiled-ballot campaigns failed miserably. Grant Cruz every last spoiled ballot (which would be unfair, since many of them appeared to indicate a preference for somebody else) and the support of every citizen who failed to vote, and Cruz would still be miles behind the Sandinistas.

The "full agreement" and "satisfaction" with the elections were not my words but those of Carlos Andres Pérez, who was describing the *unanimous* views of a Socialist International meeting that discussed the Nicaraguan elections.

Willy Brandt, speaking in Mexico after the Sandinista-Coordinadora negotiations had failed, had lavish praise for the elections and the parties that were participating and only unkind words for Cruz, regretting that Cruz had "missed the train on this one." (By the way, Cruz is a longtime Conservative Party member, not a social democrat.)

As for violence, Nicaragua's elections were remarkably peaceful by Latin American standards—fourteen people were killed during the recent vote in Panama—but it has to be said that several parties participated in what violence there was. The rock throwing by Cruz's supporters in Chinandega and Matagalpa at the Mothers of Heroes and Martyrs was as deplorable as any of the (wildly exaggerated) attacks by the Sandinistas' followers, and it is a pity that Radosh does not appear to accept that.

There was a split in Nicaragua in the recent election campaign, but it was not be-

(*Continued on Page 596*)

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CONTENTS.

Volume 239, Number 18

EXCHANGE

570 Nicaraguan Elections: Fair or Foul?

EDITORIALS

571 Baby Fae: A Life
572 Women of Yale
573 Drop Those Guns

COLUMNS

574 Minority Report — *Christopher Hitchens*

Cover and drawings by David Levine.
The drawings on pages 579, 581 and 585 are reprinted, with permission, from *The New York Review of Books.*

ARTICLES

575 The Strange Correspondence of Morris Ernst and John Edgar Hoover, 1939–1964 — *Harrison E. Salisbury*

BOOKS & THE ARTS

590 Defective Affinities — *Arthur C. Danto*
592 Bain: Sitting in Darkness: Americans in the Philippines — *Jonathan Kwitny*
593 Payne: Confessions of a Taoist on Wall Street — *Nina Barrett*
594 Films — *Andrew Kopkind*
595 Il Mal'Occhio (poem) — *Carolyn Gaiser*

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EDITORIALS.

Baby Fae: A Life

Like a poem in the familiar epigram, a baby's life should not mean but be. Baby Fae was not given that simple existential luxury of infancy. The lives of other children acquire meaning slowly, in families, play, school and work. But almost from birth, her tenuous life was burdened with ethical controversy, medical significance and social consequences. Nor did death provide its customary oblivion. Baby Fae has entered history as a public figure, a subject for study and debate.

The case of Baby Fae, as distinct from the tiny girl herself, arose in a cultural context that is understood no better than the genetic dysfunction that deformed her heart. American society seems to be in a state of extreme anxiety about its children. Abortion, birth defects, child abuse and infant sexuality make front-page news, enter political campaigns and serve as the material of made-for-TV movies. Parents and Presidents plead for organs to transplant in dying infants, and big-name entertainers instruct youngsters about how to avoid molesters.

The government—its lawmakers, police and educators—is alternately blamed for children's distress and implored to find a cure. Huge amounts of money are sought for crash medical programs to correct rare illnesses and defects. Extraordinary restrictions on personal freedom are mandated to prevent infrequent assaults. With hardly a dissenting voice, for instance, New York City has begun the compulsory fingerprinting of 100,000 child-care workers after a score of children were reported to have been sexually mistreated. Families, in the abstract, are scolded for their neglect of children's welfare; at the same time, the courts (as in the case of Baby Jane Doe) are asked to assume the parents' role in making health and welfare decisions.

Some social psychologists theorize that modern times

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have separated parents from their children to such a degree that the elders look on the youngsters as strangers, as "others" over whom they have diminishing control. The resulting guilt and alienation produce a certain paranoia beyond the normal concern of parents for their offspring. Next comes the search for villains: in the streets, the schools, the political movements that seem to favor mothers' rights or fetal ones. And miracles: in research laboratories, operating rooms and the houses of Congress. Cyclosporin-A, the immunosuppressive given Baby Fae to reverse her rejection syndrome, was the wonder drug of the week at the same time that the fingerprinting program was touted as the miracle cure for child abuse.

Ethicists have come to the forefront of medical practice as the issues of fetal and neonatal rights fill the media. But while they carefully pick over questions of individual freedom and welfare, little is said about the social ethics that sometimes appear in abrupt contrast to the personal ones. Baby Fae's picture was in the papers and on the news broadcasts in conjunction with images of mass starvation in Ethiopia. Who weighed the ethical considerations of spending a half-million dollars for a single interspecies cardiac transplant against devoting that much cash for food to save thousands of African babies? In Baby Fae's case, scientists and surgeons proved they could reverse the effects of embryonic deformities in one baby for three and a half weeks. But in the crush of media excitement over that one procedure, no one seemed interested in the environmental backdrop—the mutagens in the atmosphere that cause defects in uncounted fetuses.

Medicine has had its mythic aspects in every human society. In ours it is assuming the proportions of pageantry. Baby Fae's brief life became a circus, quite apart from the useful medical lessons and important ethical considerations it presented. That is too bad for the helpless child and her parents—and for all of us.

Women of Yale

Say "female poverty" and most people think of mothers on welfare. But female poverty has other, less expected faces. They belong to the 34-year-old assistant editor whose work requires a reading knowledge of French and German but whose $13,600 salary allows her to buy only one meal a day, and the 43-year-old editorial assistant with a master's degree who lives with her 14-year-old daughter in a studio whose rent absorbs almost half of her $13,000 salary. Those women, profiled in *The New York Times*, are both members of Local 34 of the Federation of University Employees (A.F.L.-C.I.O.), now in the ninth week of a strike against Yale University. They maintain that their wages are low because they are women.

Despite well-publicized efforts to win women high-paying traditionally male jobs as plumbers or firefighters, about one-third of the employed women in the United States hold clerical or technical jobs like those of the women at Yale—who make up 82 percent of the 1,800 members of Local 34. These "women's jobs" pay substantially less than the jobs usually held by men, even when they require the same degree of skill, education and responsibility. The average clerical worker's salary at Yale, for example, is $13,424, while a truck driver for the university makes $18,500.

In the past twenty years, about half of all new union members have been women, and women now account for some 30 percent of the unionized work force. But although union women earn about one-third more than their unorganized sisters, they still earn less than union men, and only about 11 percent of female clerical workers belong to unions.

Local 34 is the largest group of predominantly female employees to strike over the issue of comparable worth, and their fight has implications for women around the country. District 65 (United Automobile Workers), which has been actively organizing clerical workers, is fighting to retain benefits at Columbia University; organizing drives are under way at Harvard University and several other large institutions. In the State of Washington, female civil service workers who belong to the American Federation of State, County and Municipal Employees tried another strategy. They brought a lawsuit against the state government charging that they were discriminated against on the basis of sex and asking for back pay. They won in a lower court, and the case is currently on appeal.

Word processors, library clerks and union organizers are not the only people hanging on the outcome of Local 34's battle with Yale. College presidents are also watching the strike with interest, and Yale president A. Bartlett Giamatti has suggested that he is holding the line in their interest. Recently he cited "all other colleges and universities, public and private, new and old," as the "constituency" that is interested in seeing Yale stay its present course.

After Local 34 won its National Labor Relations Board election for certification in May 1983, Yale hired a notorious unionbusting law firm. Following a year of desultory negotiations, it made a "final offer" on the eve of the September 26 strike deadline, leaving itself no room to maneuver. Giamatti has rejected binding arbitration as a means of arriving at a contract, despite the urgings of the New Haven Board of Aldermen and thousands of students and faculty members. He has also refused to submit the issues in the strike to a committee of three faculty members chosen jointly by the Yale Corporation and the union. Giamatti's rationale is that "outside parties" cannot be allowed to make decisions that will affect the "central mission" of the university. But he presents contradictory arguments: a university is a special place that cannot be bound by the usual labor-management procedures; at the same time it is a business like any other which must make tough-minded decisions. President Reagan's Civil Rights Commissioner, Clarence Pendleton, can dismiss comparable worth as the "looniest idea since Looney Tunes," but members of the Yale Corporation who sit on the boards of other companies and institutions have reason

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to fear its establishment as a contractual right.

The Yale administration's stance would have been unthinkable as recently as ten years ago. Beyond the local issues and the specific personalities, it reflects the current antilabor climate frequently discussed in these pages. Yale's visibility, prestige and connections in government and industry make the outcome of the strike there critically important—for unions reaching out to women workers and for progressives who care about what happens to organized labor. It's also important, obviously, for the many single women trying to support their children on less than what the least-skilled man takes home. The feminization of poverty will not be halted by passage of the Equal Rights Amendment or even by increased spending for welfare. A decent future for American women and their children depends on a living wage in the occupations that most women hold.

Drop Those Guns

The report that a sniper firing at random killed an Olympic runner on the track at Washington State University a few weeks ago reminded us of a far more bloody incident that took place this summer. Armed with an Uzi assault rifle (purchased for $500 from a mail-order house in Nebraska), a 12-gauge pump shotgun and a 9-millimeter Browning pistol, James Oliver Huberty wiped out twenty-one men, women and children patronizing a McDonald's in San Ysidro, California. Huberty, a hot-tempered gun freak from Ohio, had mental problems and a history of trouble with the law. A few hours before he slung his rifle on his shoulder and headed for the restaurant, he told his wife, "Society had its chance."

We must ask if society had any chance, given the absence of laws that would disarm people like Huberty. We live in a country with a President who is a card-carrying member of the National Rifle Association, which leads the fight against gun control of any kind. In 1984 the N.R.A. spent more than $2 million to elect pro-gun candidates, and such is its political clout that it has blocked the first meaningful handgun-control measure to be introduced in years, the Kennedy-Rodino bill, which would have banned the domestic manufacture of Saturday Night Specials and the importation of the parts to make them. The gun lobby even stalled the unexceptionable Biaggi-Moynihan bill, which would have prohibited the manufacture, importation and sale of armor-piercing bullets, whose only conceivable use is to penetrate the bulletproof vests that police officers wear.

The N.R.A.'s opposition to a ban on the sale of the lethal projectiles is chilling proof, if any more was needed, of its egregious irresponsibility. Aside from representing the economic interests of the small-arms manufacturers, its function is to say Boo! whenever Congress responds to public cries for gun control. Every one of its arguments against stricter laws is legally and socially bankrupt.

The most popular one exploits the fear of crime among Americans. Gun control, it goes, would disarm the good guys and allow the bad guys to pillage their homes. That is, at best, a one-tenth truth. As *The New York Times* pointed out in a recent editorial, 90 percent of all burglaries are committed when the residents are not home. Moreover, guns in the house increase the danger of accidents and crimes of passion. According to the Federal Bureau of Investigation, 47 percent of all murders in 1983 were committed "by relatives or persons acquainted with the victims." (See Jervis Anderson, *The New Yorker*, November 12.) The National Coalition to Ban Handguns points to another significant F.B.I. finding: of 498 justifiable homicides in 1981, 221 involved a civilian using a handgun against a stranger, presumably an intruder. That same year, according to the Bureau, there were 24,000 handgun fatalities—a high price to pay for defending those 221 households.

The N.R.A. and its fellow gun-lobbyists also invoke the Second Amendment, the so-called "right to bear arms." This is President Reagan's favorite civil right; he praised the N.R.A. at its convention in May 1983 for not backing down "one inch from defending the constitutional freedoms that are every American's birthright." But the Supreme Court held in 1939 that the right to bear arms applies only to organized militias, i.e., the National Guard, not to individual citizens. When the town of Morton Grove, Illinois, passed an ordinance prohibiting the sale of handguns in 1981, the N.R.A. challenged it under the Second Amendment and lost. The appeal was denied in the Federal courts, and this March the Supreme Court refused to review those decisions.

The gun lobby also disseminates scare propaganda that "they" will "take your guns away," that legitimate hunters and hobbyists will be barred from pursuing their avocations. That, of course, is hogwash, since no antigun organization proposes a ban on rifles. The N.R.A.'s argument that a well-armed citizenry is a check on totalitarianism is even more farfetched. With reasonable gun-control laws there would still be enough hardware around for today's minutemen to defend themselves against Red invaders, aliens or whomever they're afraid of.

We need a new politics of gun control. As the people of Morton Grove and Oak Park, Illinois, of Palm Beach and Broward County, Florida, have shown by approving gun-control laws over N.R.A. opposition, the local level is the place to begin. Eventually, the majority of Americans, who want national gun-control laws—and only a national ban can stop the weapons traffic across state lines—will be represented by groups with the money and clout the N.R.A. now has. (The National Coalition to Ban Handguns and National Handgun Control are showing the way.)

When the President spoke to the N.R.A. convention, signs were posted forbidding "guns, knives, or tear gas" in the hall, and people entering were screened by metal detectors. If the President felt a little bit safer because of the security procedures (even if he was wearing his customary bulletproof vest), he didn't mention it. Instead he said, "It is a nasty truth, but those who seek to inflict harm are not fazed by gun-control laws. I happen to know this from personal experience." Greater love hath no politician than to put his life on the line for the "right to bear arms."

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MINORITY REPORT.

CHRISTOPHER HITCHENS

There are war crimes, and there is the crime of war. The Nuremberg Tribunal, for example, indicted the Nazi leadership not just for its crimes; it laid a general indictment of conspiracy to wage the aggressive war that made such crimes inevitable. There are also war lies, though unfortunately one cannot complete the analogy and say that there is the lie of war. It is still the case, as the cliché has it, that in war the first casualty is truth.

At and around the Washington Vietnam Memorial in the days after its Reaganite reconsecration, there was an intense debate about all this. Most reports stressed secondhand and second-rate aspects of the debate, trashy and sentimental stuff about "healing," "homecoming" and "reconciliation." It's pretty clear that there can be no healing while there are those who believe that the war could or should have been won and those who believe it should never have been fought, or even that it deserved to be "lost." The problem with the current CBS/Westmoreland lawsuit is that it allows both contestants to be hypocritical and evasive about the nature of a lie, and the nature of the war.

If you accept the CBS interpretation, you must believe that Lyndon Johnson was the victim of lies, not the author of them. You must acknowledge that an "undercounting" of "the enemy" was responsible for the American defeat in Indochina. How much more trivial can revisionism get? No doubt, Westmoreland fibbed about casualty figures and troop levels, as every general must do. No doubt, Mike Wallace and George Crile think that something gives them the right to refer to the Vietnamese as "the enemy." And, no doubt, there are officials and operatives from that period who remember that the books were cooked. So what? You were expecting maybe the truth?

The Vietnam War was *founded* on lies. When the American public was told, as early as the 1950s, that it was not financing and arming French colonialism, that was a lie. When it was told of a North Vietnamese attack on U.S. ships in the Gulf of Tonkin, that was a lie. When it was told of numerous heartfelt "peace offensives" by the Johnson Administration, that was a lie. When it fell for Nixon's promises about "peace with honor," it was the victim of a lie. When it believed that all you needed for victory was an invasion of Cambodia to clean up the Central Office of South Vietnam ("the jungle Pentagon"), it was the victim of a lie. No truthful statement was, or could have been, made by any defender of the war policy. Yet it is left to the smart-asses of CBS to say that the failure was in not adding up, or killing off, enough of the Vietcong. Their "conspiracy" show even quoted Lieut. Gen. Daniel Graham as saying, in effect, that General Westmoreland had illusions about communism. I suppose that this cost-effective, pseudo-investigative method is the documentary equivalent of the neoliberal style.

The amusing result of this statistical reductionism is that the extreme right has seen its chance. By financing Westmoreland's lawsuit it hopes to reverse the liberal verdict on the war, or at least to do so psychologically. It also hopes to amplify the big lie about the media stab in the back that robbed a fine command of its rightful victory. An honest soldier, vindicated at last, tells how he did his best as God granted him the light. And the rising generation of Americans is brought up on lies about Vietnam.

History can't be decided in the courts, but it can be debated there. Even the limited characters who pass as "expert witnesses" may remind people, as they testify about phony figures, of the political mega-lies told by Robert McNamara, McGeorge Bundy, Dean Rusk, Ellsworth Bunker, L.B.J. and H.H.H. CBS could still make a William Calley defense: that Westmoreland was accomplice to a system of deception and became utterly compromised by it. But it seems that the times don't favor such a strategy. Everyone is apparently looking for cover. In these circumstances, truth is no defense. A verdict favoring either side will represent an obfuscation of the meaning of the war and the meaning of the word—so understated by CBS—"conspiracy."

As presented in the newspapers and as argued by people outside the courtroom, the suit pits the East Coast media against the simple grunt and the bluff general. This caricature puts the so-called liberal establishment on the defensive and on the stand, rather as the recent election did. There is a crumb of consolation, just one, to be found in this debacle in which the murderers have become the accusers. It was the liberals, with their cost-benefit analyses, their computing machines and their sweet little "problem-solving" ways, who devised and prolonged the Vietnam War in the first place. Nemesis takes devious routes, but she gets there in the end.

* * *

I see that some cleric has attacked me for not having a towering intellect [see "Letters," *The Nation*, November 17]. Well, if Pastor Dave LeMoine is so smart, how come he can't hold down a real job? I write in the course of a week when the Nicaraguan archbishopric has become the open patron of the counterrevolution, and when the Archbishop of Santiago, Chile, has urged the half-starved working class of his country to achieve a "dialogue" with Pinochet by fasting. None of this will still the babble of the liberation theologians, one of whom, Father Cesar Jerez of the Jesuits, has produced a pamphlet titled "The Church and the Nicaraguan Revolution." His tract begins with a flat lie—"Nicaragua's revolution received the backing of the churches especially the Catholic Church"—and goes on to give the game away. In justifying the participation of Christians in the Nicaraguan revolution, Jerez writes that "the way they conceive the role of the church could be summed up as follows: *'It is worth the risks involved in order to evangelise the new Nicaragua.'*" [Emphasis in the original.]

The *contras*, too, have this as their proclaimed goal. These bandits and killers do their work in the name of the Virgin Mary, as did their Francoist and Phalangist forerunners. Poor Nicaragua, to be so loved by the Christians.

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ARTICLES.

The Strange Correspondence of Morris Ernst and John Edgar Hoover 1939-1964

HARRISON E. SALISBURY

Or was it so strange a correspondence? After reading and rereading the more than 300 letters exchanged over twenty-five years by Morris Ernst, the great civil liberties lawyer, and J. Edgar Hoover, a most opposite number, I find myself at a loss to select the precise adjective to describe that cascade of epistles.

There are many words that might be applied: bizarre (but that is surely too strong); incongruous (yet often the two men were laboring in the same vineyard); devoted (the *appearance* of that was there, but it was less than skin-deep); collegial (sometimes, but often not). If at moments Ernst wrote as a petitioner and acolyte, there were also times when he appeared as a magisterial Cassandra, forecasting the fall of the temple—the Federal Bureau of Investigation—or even as indulgent headmaster, catching his favorite pupil, Edgar, with a crib up his sleeve.

But the correspondence characterizes itself, and this is true from the first tentative letter (at least the first that has been retrieved under the Freedom of Information Act), written by Hoover to Ernst November 8, 1939. Hoover enclosed, for Ernst's information, a copy of a letter written to him by Lucille B. Milner, secretary of the American Civil Liberties Union, of which Ernst was then general counsel, and a copy of his reply. The exchange dealt with wiretapping, "a matter which we have discussed on recent occasions."

The first Ernst letter we have is dated April 14, 1941. In it Ernst enclosed a copy of a "hate-mail" letter addressed to newscaster Raymond Gram Swing, "which may be worth putting in your files." That the Ernst-Hoover relationship was still in the greening stage can be adduced by the fact that Ernst addressed his letter, "Dear John." It would not be until November 21, 1941, that "Dear John" became "Dear Edgar."

The last letter of Ernst's that has been retrieved is dated October 8, 1964, and opens, "My dear Edgar." "For your eyes alone," writes Ernst, "I am sending a copy of a letter addressed by Mr. Pemberton, Director of the ACLU, to Osmond K. Fraenkel [of the A.C.L.U. Board of Directors]." The letter to which he refers deals with civil liberties issues raised by the Warren commission's report on President Kennedy's assassination.

Those letters, of no enduring consequence, are typical of the Ernst-Hoover exchange and indicate a basic feature of it: the secret, unauthorized sharing of letters from third parties.

The existence of an Ernst-Hoover correspondence first came to light in 1977, a year after Ernst's death, in the course of an inquiry by the American Civil Liberties Union into hidden connections between the A.C.L.U. and the F.B.I. The A.C.L.U. retrieved some 45,000 pages of Bureau files under a freedom of information suit, but those included only a handful of Ernst's letters, which gave no indication of the extent of his epistolary relationship with Hoover. Only now do we know about it, thanks to the distinguished scholarly specialist in F.B.I. affairs Prof. Athan Theoharis of Marquette University, who obtained more than 200 items under the F.O.I.A. Included in that *oeuvre* are Ernst-Hoover letters, Hoover-Ernst letters, letters to Ernst from Hoover's amanuensis, Louis B. Nichols, and F.B.I. internal memorandums. Additional material is contained in the correspondence that Ernst deposited at the University of Texas Humanities Center in Austin. That cache consists of one hundred or so documents, many of them duplicates. This study is based also on the Ernst materials in F.B.I. files on the Galindez case (of which, more later), by a handful of other random Ernst materials and by interviews with persons close to Ernst.

The Ernst-Hoover connection involved far more than the "clubby relationship" described in the A.C.L.U.'s official report, which exonerated Ernst of any "overt improprieties." In addition to the hundreds of letters, there were telephone calls and personal visits, of which only a fragmentary record remains. There is, incidentally, no reason to believe that the F.B.I. files have yielded all the Ernst materials they contain. The bulk of the letters should have been placed in Hoover's Personal and Confidential file which was supposedly destroyed by his personal secretary after his death, in 1972. Most of the letters we possess have come from the Official and Confidential file of Assistant Director Louis B. Nichols, who was actually Ernst's primary correspondent. According to F.B.I. regulations these should have been destroyed every six months—but they were not, for reasons that are not clear. They were part of the Bureau's Do Not File files and were not indexed or subject to normal F.B.I. retrieval procedures. Others were part of the Behind the Do Not File

Harrison E. Salisbury was a correspondent and editor of The New York Times *for many years. He is now at work on a book titled* The Long March: The Untold Story, *to be published next autumn by Harper & Row.*

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files. Memorandums relating to Ernst and the Rosenberg case were filed not under "Ernst," or "Hoover" or "Nichols" but under "Rosenberg." There may be scores of Ernst items still hidden away under other subject headings. In the A.C.L.U. inquiry, only materials filed under "A.C.L.U." were recovered. Thus, A.C.L.U. investigators got just a whiff of the strange correspondence.

The relationship between Hoover and Ernst was not a casual, hit-or-miss thing. It possessed its own inner dynamic and, probably inevitably, declined to oblivion. It was always conditioned by the contrasting personalities of the men and by their differing aims and objectives.

I do not see the correspondence as evidence of a pervasive influence of Hoover on Ernst, or vice versa. Nor is it possible to document the relationship as having had a major effect on the history of civil liberties in the United States. The significance of the correspondence lies in what it reveals about the state of civil liberties and its flawed defenders during a critical time for the Bill of Rights—the McCarthy period. The Ernst-Hoover letters hit their peak between 1948 and 1952, the worst McCarthy years, but they seldom touched on what we would consider the basic issues of that period.

After reading the letters one is overcome with awe at the extraordinary recuperative powers of American society which enabled it to emerge from the sickness of McCarthyism despite the efforts of a man like Hoover, who mouthed clichés of freedom while slipping documents into the hands of its enemies, and the equivocal role of Ernst, a champion of civil liberties who had, in a rather complicated way, succumbed to the conviction that Hoover with his F.B.I. stood as a bastion against the threat of Soviet communism.

We know enough about Hoover's background to require no extensive reprise, but who was Morris Ernst in 1939, when the strange correspondence began? He was a positive fighter for freedom of expression and would remain so, by his own lights, until his death, on May 21, 1976. Had he not been a giant in defense of the Bill of Rights the Hoover connection would not concern us.

In fact, Ernst was a pioneer in the American Civil Liberties Union. He served as its general counsel from 1929 to 1955, was a member of the A.C.L.U. board and argued many cases that led to landmark decisions. Perhaps his most famous victory came with the reversal of the ban on bringing James Joyce's *Ulysses* into this country, which loosed the shackles of "obscenity" and "pornography" that were fettering American letters. Ernst was counsel for the Authors League of America and the Dramatists Guild, and special counsel for the American Newspaper Guild. He led the fight to free sex from puritanical corseting and did much to clear the way for birth control. He won the fight against suppression of Marie Stopes's book *Married Love*. He was a liberal Democrat, a friend and supporter of New York City Mayor Fiorello La Guardia and a backer of Franklin D. Roosevelt from the days when F.D.R. was Governor of New York. When Roosevelt entered the White House, Ernst played an important behind-the-scenes role, handling many delicate matters for the President.

It is against the achievements of this extraordinarily talented and often quixotic man, warmly devoted to his family and friends ("You didn't know Morris until you came to him in trouble," a Harvard law professor once said), that the Ernst-Hoover relationship must be evaluated.

How did it come into being? It was the byproduct of a bit of shoddy New Deal politicking by F.D.R., but there was more to it. Ernst was a person of influence who understood and was fascinated by power and its uses. Roosevelt and Hoover were only two of many powerful men whom Ernst cultivated and who, in turn, cultivated him. To some extent, no doubt, Lord Acton's famous dictum applies here, but it was not just a mutual interest in power that drew Ernst and Hoover together; it was fear and hatred of communism. That was the bridge between the principled civil libertarian and the man long since exposed as a primitive racist, a wiretapper of Presidents, a blackmailer of politicians and a sympathizer of Senator Joseph McCarthy.

Born in Alabama into a German-Jewish immigrant family, Ernst was not religious. He was active in several Jewish causes, but his bent was ecumenical. He grew up in New York City, attended Horace Mann High School and obtained his Bachelor of Arts at Williams College. On graduation he went into business, following the family tradition, as a manufacturer of shirts and then as a furniture salesman. But his mind was restless and searching. He attended New York Law School at night and graduated in 1912. In 1915 he became a partner of Greenbaum, Wolff and Ernst, which would become a very distinguished firm. Herbert Wolff was the conventional partner, providing a link with corporations, banks and Wall Street. General Greenbaum brought in a number of "Our Crowd" clients, including *New York Times* publisher Arthur Hays Sulzberger and his wife, Iphigene Ochs Sulzberger. Ernst was the man-about-town of the trio, a frequenter of the Stork Club and "21," friend and often counsel of leading lights in the literary and publishing world. He kept his nose in politics, relished the latest gossip and was a confidant of every New York Mayor from Jimmy Walker on. Attractive to women (and attracted to them) he was, nevertheless, a family man, with a wife and three children. His house in Greenwich Village became a salon of sorts, and beginning in the 1930s he spent long summers at a compound in Nantucket, sailing, working at his carpentry (he was talented at that) and carrying on his practice by telephone and the briefest of trips to New York.

Ernst was a member of the Greenwich Village generation that came after the one of John Reed, Max Eastman, Eugene O'Neill, Mabel Dodge and *The Masses*. His was the Village of the late 1920s and the 1930s, bubbling with life, talent, nonsense and, as the Depression wore on, hard-core left-wing politics. No more the gaiety of Louise Bryant, now the tone was set by William Z. Foster and Earl Browder; it was a time when the American Communist Party was a real power, particularly in New York City. It attracted many of Ernst's friends and clients (the two were often the same).

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Among Ernst's friends, none was warmer, closer, more treasured than Heywood Broun, the rumpled radical columnist of the New York *World* (as well as *The Nation*) and founder of the American Newspaper Guild. Ernst represented the guild before the Supreme Court in the *Watson* case, which extended the provisions of the Wagner Labor Relations Act to the newspaper industry. (Morris Watson, a senior reporter, had been fired by the Associated Press for union activities.)

In those days Ernst's gods were Justice Louis Brandeis and Franklin Roosevelt. Broun stood somewhat to the left of Ernst, but when the Communists tried to take over the guild they joined forces and repelled the challenge. Ernst also did battle with the party in the National Lawyers Guild, but that time he lost. Those struggles deeply colored his outlook. He came to believe that the Communists posed the greatest threat to American liberties. From that perspective J. Edgar Hoover looked like a knight on a white horse.*

In 1940 the A.C.L.U., with Ernst in the vanguard, drove the veteran Communist Elizabeth Gurley Flynn off its board, declared war on fellow travelers and approved a resolution that put party members beyond the pale. They were deprived of A.C.L.U. support or sympathy because, in effect, they were part of a foreign conspiracy. The line was drawn exactly where Ernst wanted it drawn, and he would stand on it to the end of his days.

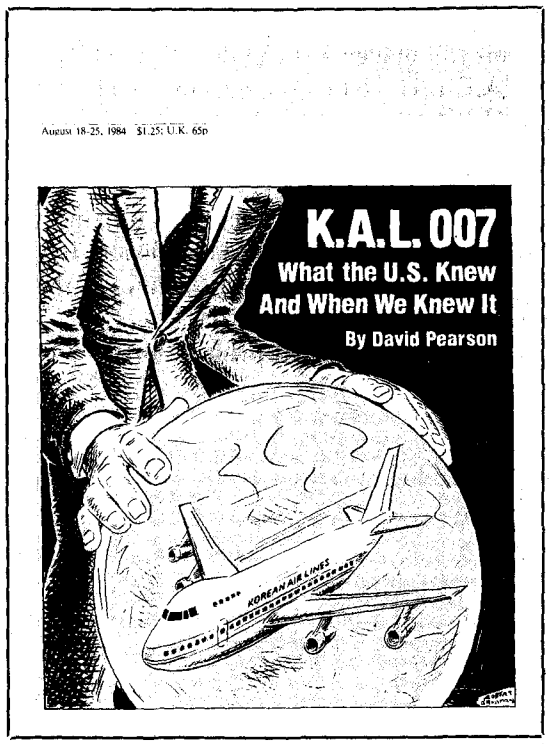
PART I

The Oddest Couple, or A Truce Is Arranged

It would be hard to imagine two men who were less compatible in temperament, philosophy, mores, life style and interests than Morris Ernst and J. Edgar Hoover. Once in 1941, Ernst had the bright idea of enlisting Vice President Henry Wallace to persuade the New York *Daily News* to tone down its criticism of the F.B.I. He reminded Hoover that the two had done Wallace a favor. But Hoover didn't like the idea of asking Wallace, a noted liberal, for help. Another time Ernst proposed getting Hoover together with Dr. Alfred C. Kinsey, of whom Ernst was a great friend and backer. Kinsey, he told Hoover, planned to examine the sexual habits of Communists. Hoover was titillated but no meeting ever came off. Perhaps the F.B.I. chief was afraid the doctor might inquire about *his* sex life.

The first meeting between Ernst and Hoover occurred on the eve of World War II. The exact date cannot be precisely

* When, on October 18, 1950, Hoover was knighted by the King of England, Ernst telegraphed: "Congratulations, dear Knight. I will be in Washington tomorrow, Thursday. If you or any of your boys want to see a lowly layman let me know." When, in 1952, Ernst was awarded the French Legion of Honor, Hoover wrote him an Emily Post note wishing "heartiest congratulations." The two notes epitomize the contrast between the men.



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established.* By 1950 Ernst himself wasn't sure, and he raised the question in a letter to the Bureau. (He needed to know because he wanted to include it in an article he was writing called "Why I No Longer Fear the F.B.I.") The Bureau replied that the earliest reference to him in its files was a March 29, 1939, letter from Hoover to the Attorney General concerning legislation to permit wiretapping. Hoover suggested that such a bill be drafted by "some liberal lawyers [like] Ferdinand Pecora and Morris Ernst."†

Ernst and Hoover were thrown together in the course of F.D.R.'s maneuvering to get Texas Representative Martin Dies and his anti-Communist probe off his back before the 1940 elections. (Dies was claiming that the Administration was riddled with Communists.) Hoover, a relatively young bureaucrat very much on the make, did not share Roosevelt's liberalism, but he didn't like Dies playing on his turf and he didn't mind doing the President's dirty work. At the latter's request he was already wiretapping John L. Lewis and keeping an eye on people who wrote critical letters to the White House. So far as Dies was concerned Ernst was as bad as F.D.R. The Congressman had called the American Civil Liberties Union a "Communist front," and Ernst was preparing a First Amendment lawsuit against him. Dies, Hoover, Ernst and a couple others held some quiet meetings at which a live-and-let-live agreement was hammered out. The A.C.L.U. dropped its suit, Dies dropped his charges and a truce was made between F.D.R. and Dies.

In the files at the Roosevelt Library at Hyde Park is a letter dated June 1, 1941, in which Ernst reports to the President that he is working with Hoover on "countersubversion." That is probably a reference to Ernst's scheme, mentioned in another letter to the President, under which the Internal Revenue Service would require isolationist and arch-conservative organizations like the Liberty League to register the names of their officers and directors and make public their expenditures and sources of funding. Ernst thought that would "force the underground anti-Americans into the open." F.D.R. liked the idea; the Treasury Department didn't, and nothing came of it. (After the war Ernst proposed the same idea to Hoover as an anti-Communist tool. Hoover was cool. He was already getting all the information he needed from the I.R.S.)

Out of those casual interchanges the Ernst-Hoover relationship flowered. There was much back scratching. During World War II, Ernst invited his New York and Washington friends to dinner parties at his Greenwich Village town house. He tried to coax Hoover to those affairs but never succeeded. (Another refuser was Arthur Hays Sulzberger.) Ernst didn't stop trying. On September 28, 1949, he extended an invitation to Hoover "and some of your top boys to see if I can help develop some new techniques." Nothing came of it. When Ernst repeated the invitation, Hoover scrawled on the letter: "No, I don't want to do this. I anticipate he would include such individuals as Frederic March et al."

Ernst never concealed his relationship with Hoover; indeed, he gloried in it and was the staunchest of cheerleaders. Between 1948 and 1952, he wrote numerous magazine articles, speeches and books praising the Bureau. As he told Hoover in January 1948: "Of course a lot of people think I am just a stooge for you which I take as a high compliment. There are few people I would rather publicly support."

"You are a grand guy," he wrote on November 29, 1948, "and I am in your army." And in November 1949 he wrote, "I am fast becoming known as the person to pick a fight with in relation to the F.B.I."

Ernst's puffery went to extraordinary lengths. On each of his articles—whether it was for *Reader's Digest*, *The American Scholar* or *Look*—and on his books on communism, he had an invisible collaborator, the F.B.I. There were personal conferences, revisions, suggestions, rewriting and even, occasionally, quiet intervention by Nichols with a magazine editor (notably Fulton Oursler of *Reader's Digest*) to ease Ernst's prose into print. The files contain scores of pages of F.B.I. memorandums and texts relating to his writings. Nor was it a one-way street. In 1949 Hoover sent Ernst a draft of the F.B.I.'s annual report, and Ernst made suggestions: "It might be pegged on the fact that the signer, J. Edgar Hoover, has been 25 years with the organization." Hoover turned down the self-plug.

Ernst always assumed that he was corresponding with J. Edgar Hoover personally, but, in reality, that was seldom the case. Most of the letters signed by Hoover were written by Nichols or another subordinate. We know that because the copies in the Bureau files retrieved under the F.O.I.A. bear the initials of the writer. Hoover nominally read the letters before they went out, but for long periods Nichols was, in effect, Hoover: "The next time you are in Washington, I wish you would get

* The F.B.I. carried out a routine check of Ernst in 1935 in connection with a Federal appointment. Nothing derogatory was turned up.

† In a November 8, 1941, letter to Ernst, Hoover refers to their "recent discussions" of wiretapping. This was the theme of much of their correspondence over the years. Hoover opposed legislation to establish the legality of wiretapping, probably feeling it would restrict his hand. He preferred his own freewheeling operations in which he got the information he wanted via "technical installations"—F.B.I. jargon for illicit taps. Ernst also opposed such legislation, except to inhibit wiretapping by local police agencies. He believed wiretapping was essential in national security (that is, espionage and Communist) cases and trusted Hoover and the Bureau not to infringe on individual liberties.

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in touch with Nick on a matter I have already discussed with him." The signature was "Hoover," the initials in the corner, "LBN."

Despite the bureaucratic runaround, Ernst did occupy a privileged niche: he was on Hoover's "special correspondence" list. Persons of this rank received replies signed by Hoover, and Ernst held it until about 1958—the precise date cannot now be ascertained. He was formally demoted considerably later, by Hoover's closest associate, Clyde Tolson, after Ernst called Hoover a "cherished friend" at a closed Congressional committee hearing. "Any correspondence to him over the Director's signature may bring about repetition of his reference to the Director as a 'personal friend,'" Tolson noted in a 1964 memorandum.* Ernst was placed on the "in absence of" list: all letters to him were to be signed by assistants "in the absence of the Director."

The filing procedures for Ernst's correspondence were equally byzantine, as a memo from Nichols's executive assistant, Frances Lurz, disclosed in 1958, after Nichols had resigned the F.B.I. to join Schenley Distillers:

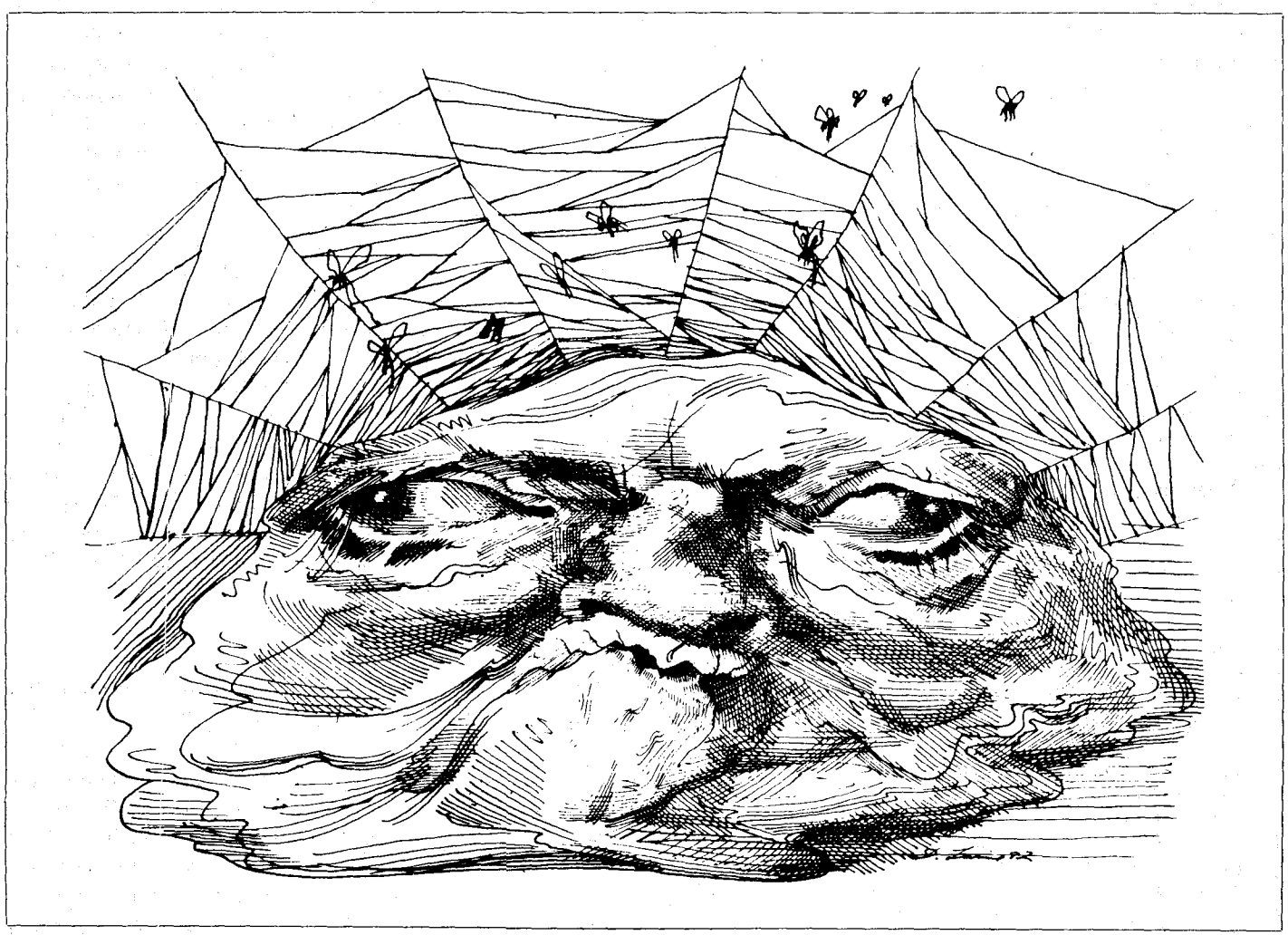
> See Mr. Nichols' letter to Mr. Ernst 1/22/54 advising Ernst "the further fact that we had an understanding a long time ago that your personal notes would be considered as personal and would not go into the file. Since that time the only communications which have gone into the file have been the few obviously official communications you have sent me."

Nichols, she explained, had placed a "stop order" with the Records Branch. All Ernst materials were reviewed and most of them sent to the Official and Confidential file in Nichols's office.

When it came to his dealings with the F.B.I., Ernst was either extremely naïve or extremely trusting. He sent Hoover and Nichols scores of confidential letters written to him by friends or associates. Always he specified that the enclosures were "for your eyes alone," or that "no public use is to be made of this." Always he asked for their swift return. They were, of course, returned, though not before Hoover or Nichols had a photocopy made. It is difficult to believe Ernst overlooked this likelihood.

In 1949 James Lawrence Fly, the former head of the Federal Communications Commission, raised a storm about F.B.I. wiretaps. Fly and Ernst (old friends) battled over this issue at A.C.L.U. meetings. Hoover became so alarmed at Fly's charges that Ernst relayed to him every letter he received from Fly and drafts of his personal replies, so that Hoover might make suggestions. Once Ernst hand-delivered to Nichols's secretary an original letter from Fly and his proposed response. A memo from Nichols to Hoover and Tolson said: "[Ernst] specifically asked the girl not to make a copy

* After Hoover consulted Ernst about a possible libel action against *Time*, Hoover worried that Ernst would refer to him as "my client."



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of it. I have the copy he left with me and I will return it to him. If you should run into Ernst, I suggest that you tell him I showed you both the letter from Fly. I'll tell him the same story. A copy is attached." Affixed to the surreptitiously reproduced letter is an L.B.N. note: "The enclosure to Morris Ernst's letter should not be marked in any way since it must be returned." The copy is peppered with Hoover's scribbles: "Fly is very clever. He tried to appear he is yielding yet his socalled [*sic*] concession is so restricted it is the same old proposition."*

PART II

The Importance of Being Ernst

Now let us turn to the actual content of the Ernst-F.B.I. correspondence. Ernst provided Hoover with considerable A.C.L.U. material—memos, reports, minutes of meetings, copies of letters to and from Roger Baldwin, the grand old man of the A.C.L.U., and other prominent civil libertarians. From the perspective of thirty or forty years most of it seems like small potatoes. Yet there is something unnerving about the spectacle of Ernst—Mr. Civil Liberties—sharing with Hoover this stream of intimate material. What would Baldwin, Arthur Garfield Hays, John D.J. Pemberton (the A.C.L.U.'s executive director) or Osmond K. Fraenkel have thought? What would Freda Kirchwey, editor of *The Nation*, have thought if she had known Ernst was sharing her correspondence with Hoover? Or Bruce Bliven of *The New Republic*? Or I.F. Stone, had he known Ernst was trying to silence his criticism of the F.B.I.?

Ernst also contributed letters from cranks who were critical of the Bureau or Hoover, or of himself or his friends. Hoover responded to these tips by providing information from the Bureau's files on these individuals. Ernst was indefatigable in his defense of the F.B.I. Again and again he asked: "Can I help? What can I do?" When he went to Europe in December 1949 he asked if there were any chores he could undertake "for you or your boys" in Paris or London. (It was always "your boys.") Concerned in June 1953 about published charges that the F.B.I. had, in Ernst's words, "been inefficient and slothful with respect to investigations," he asked, "Is there anything I can do for you? Would an article properly placed be of any value?" He suggested more aggressive propaganda. He thought Hoover too defensive. Over the years he lobbied in behalf of Samuel Goldwyn, who wanted to make a movie about the F.B.I. (Hoover was strong for such movies—he wanted one or two a year—but somehow the Goldwyn deal never came off.) On balance, it seems clear that Ernst's greatest value to the Bureau was as a publicist, a kind of *Good Housekeeping* seal of approval.

No one worried more over the F.B.I. than Ernst; and his was a serious worry, not flummery. He worried about its ability to maintain what he called its integrity. He took a position that may seem curious today: the F.B.I. was a simple collector of raw data, just a vacuum cleaner, really—not an evaluator, not a prosecutor like the Gestapo or the Soviet secret police—and it was this that made it a defender of our liberties rather than a threat to them. So long as the Bureau merely turned over the raw files (evaluating the reliability of its sources but not the accuracy of the information they provided) there was no danger of a police state in America. That may seem a quibble or a technicality, but there it is. That is what Morris Ernst believed, and any effort by Congress or the press or whomever to make the F.B.I. publish or summarize its data sent him into orbit. Such efforts, he felt, threatened what he saw as the Bureau's impartial, nonpolitical role. He was profoundly disturbed when he heard reports in 1953 that the Bureau had provided two senators with a two-page memorandum summarizing raw files on Charles (Chip) Bohlen, the subject of a fierce attack by McCarthyites who opposed his confirmation as U.S. Ambassador to the Soviet Union. Hoover's soothing explanations did not quiet him. In a letter dated April 1, 1953, he told Hoover: "I wrote to Lou about the frightening aspect of the FBI making summaries of raw files. I must assume that if you do so, it is done with great reluctance. Let me know if I can help you on other levels."

As the year drew on Ernst became more alarmed. On November 19, he wrote, "I am really fearful that the FBI is in peril. . . . The first official breach in your theory of the sanctity of communications of the FBI appeared when the Bohlen file was summarized by the FBI for exhibit to two senators of good will and honor." On December 21:

> Now I am fearful that your great life's work may go down the drain. . . . Regretfully I tell you that the American people believe that the Attorney General has bandied about your files. . . . It seems clear that he has not followed your consistent practice never to apply a derogatory term to any person who is the subject of an inquiry. . . . Let me know if I can apply my feeble efforts to aid in the traditions which you have established.

Hoover took Ernst's strictures with some seriousness, but he made it clear that he was not worried about the future of the F.B.I. As he well knew, a considerable amount of material had already been transfused from his files to McCarthy, the Eastland committee and others. He did, however, sermonize on a subject that still rankled him, the 1950 Judith Coplon case. Coplon had appealed her conviction for espionage, and U.S. Circuit Court Judge Learned Hand had reversed the lower court's verdict, criticizing the F.B.I.'s conduct and ordering it to turn over to the defense twenty-eight individual investigative reports. (After the case was thrown out and before it could be retried, Coplon jumped bail and fled the country.) The Coplon case, Hoover insisted, was what had *really* damaged the F.B.I.

Judge Hand's decision had come down while Ernst was in

* Ernst once referred to Fly as "the leader of the non-Communist opposition." Hoover noted, "I query the 'non.'" (Nichols to Tolson, February 8, 1950)

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Europe. Immediately on his return, November 1, 1950, he wrote Hoover that the decision "disturbs me *greatly*. Can I help?" He got a reply signed by Hoover but written by Nichols saying he didn't think anything could be done.

Ernst's offer to help the F.B.I. was almost Pavlovian. If Hoover was less disturbed than Ernst about the future of the F.B.I. it is probably because he did not share Ernst's philosophical concepts. Hoover didn't mind Ernst propagating his high-minded ideas, but to him the F.B.I. was a private fiefdom. The information secreted in the files was to be used to manipulate people for his own ends and to keep his sturdy bureaucratic bark on course. He knew he had to have a good working relationship with each attorney general, and sometimes a peek at a file, or a whisper about one, helped a lot. Ideologically, he was far more comfortable in McCarthy's camp than in Ernst's. Whether Ernst understood that is not clear. But certainly if he had any qualms about J. Edgar, he kept them to himself.

In 1954 the Ernst-Hoover letters become sparser. Hoover seems to have grown bored and irritated with his faithful correspondent. His megalomania had increased; he became resentful of Ernst's erudition and his attitude, which was sometimes fawning and sometimes patronizing.

Ernst was not always a tactful courtier. Possibly the sharpest rebuke he ever delivered to Hoover was cast in a curious form. On November 12, 1955, he sent Nichols the "draft" of a letter to Hoover with the suggestion, "you might wish to pass it on to the boss." Ernst wrote he had heard gossip that some Republicans wanted to run Hoover for President if Ike decided against a second term. "You know of my great respect for you as the top constable of the nation," Ernst said. "I hope you will not deem it unkind for me to say that I like you as head of the FBI but not as President or even as a candidate for that office."

Another time Ernst wrote Nichols: "Tell Edgar that I am worried about him for the first time. His letter to me about [James] Fly indicates a height of temperature inside of him which is not only unnecessary but dangerous since it bespeaks some degree of insecurity." Hoover replied, in a letter almost certainly written by Nichols, "I got a kick out of your observations to Nichols."

An odd incident in 1951 seems to have contributed to cooling the Ernst-Hoover relationship. Only Nichols's memorandums, the comments of Hoover and Tolson and heavily blacked-out memos from Edward Scheidt, the F.B.I.'s New York City Special Agent in Charge, describe the affair. No correspondence by Ernst is available, nor is any likely to exist.

On June 4, 1951, Ernst telephoned Nichols to tell him that a client had boasted he could get any file he wanted out of the F.B.I. for $250. Ernst said he would put up $250 and test the gambit. Hoover and his aides offered to make good the $250, as Nichols noted, financing it "on a blue slip basis." Without informing Ernst, they also instructed Scheidt to tap the client's phone, even though Ernst had given Nichols his name "in confidence." Ernst became jittery, fearing he had put his client in jeopardy. After a month of back-and-forth, Ernst, according to Nichols, finally said he could not go through with the setup because "it would be a betrayal of a friend and he was not a Calomiris."* There is no reason to doubt Nichols's description of Ernst. "I have never seen Ernst uneasy before," he wrote, "and he was very noticeably uneasy on the proposition of ordering the file [from the client] and did not ease up until he started talking in terms of getting the file and our agreeing to take no action on the first instance but setting a trap for a second instance."

The Bureau's memorandums on the case are the only ones in the Ernst F.O.I.A. file with significant passages censored. In the end, so far as can be ascertained, no basis was found for the allegation made by Ernst's client.

From that time forward, however, a note of reserve entered the F.B.I. side of the correspondence, as though Hoover felt Ernst had let the Bureau down. Then, in December 1953, something happened between Ernst and the F.B.I.'s New York City office that accelerated the cooling of relations. All we know about it is from a glancing allusion in a memo Nichols wrote to Tolson:

> I frankly don't see any point in lunching or dining with Ernst. He probably is excited about the Director's letter [of December 28, 1953, defending the Bureau's position on disclosing summaries of files]. I am going to be quite frank with him and in addition tell him that we have instructed our New York Office not to contact him in the future growing out of the incident several weeks ago.

To that, Tolson appended a note: "I don't think he

* Angela Calomiris, author of *Red Masquerade*, a book about her experiences as a Communist Party worker. She joined the party after being recruited by the F.B.I.

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should be told this." Hoover added, "I agree."

Ernst wasn't told; he continued to correspond, but Nichols took the first opportunity to rap him on the knuckles. On January 20, 1954, Ernst sent Nichols a copy of a letter he had received from Senator Wayne Morse, together with his reply, adding, "I must ask that you return it without further comment if you think, by chance, it will ever be seen by the Attorney General." Nichols rejoined, "I was somewhat taken aback by the tenor of your note because neither Mr. Hoover nor other Bureau officials are given to violate [*sic*] personal confidences or handling personal correspondence in an indiscriminate or indiscreet manner."

Was Ernst's conduct throughout the strange correspondence free of "overt improprieties," as the A.C.L.U. inquiry concluded in 1977? Ernst's defenders have said that someone had to maintain contact with the F.B.I. and that by doing so, Ernst put himself in a position to exert positive influence on Hoover. It is true that Ernst occasionally intervened with Hoover to try to get favorable treatment for a friend or client, but the correspondence turns up only a half-dozen such instances. Of course there may have been others that were handled in personal conversations, although the rather meticulous notes of Hoover and Nichols do not record this.

It has also been said that Ernst never named names. Certainly he was not a prolific name-dropper. But he did name names on occasion. At one time he gave Hoover the names of four associates of William Remington, who had been convicted on perjury charges growing out of allegations made against him by Elizabeth Bentley, the so-called Red Spy Queen.

On May 17, 1944, Ernst wrote Hoover seeking guidance about a prospective client, a German alien, who wanted quota rather than visitor's status. On October 20, 1944, he advised Hoover, "Our office no longer represents" the individual. He wanted Hoover to know this "because of previous pleasant talks." On September 7, 1948, Ernst wrote Hoover that he wanted to talk to him "in regard to a dame named. . . ." He identified her as having a brother high in Communist Party ranks. "I would like to talk to you about this lady if you are in a position to let me give you some information," he wrote.

A memorandum from Nichols to Tolson dated March 25, 1953, reported a conversation with Ernst concerning a man whom President Truman had wanted to appoint Secretary of Labor. Ernst had said he knew the man's wife had been a Communist twenty years before.

On November 12, 1953, Nichols noted in another memo that Ernst's firm had been asked to represent a man who had figured in the Alger Hiss case and whose brother's name had come up in the Army-McCarthy hearings. "Morris may want to call us later about this when they get further details," Nichols wrote.

On March 13, 1953, Hoover wrote Ernst to thank him for providing the Bureau with the name of a physician and promised that a special agent from the New York City office would promptly interview the doctor in connection with Ernst's report. On May 10, Nichols wrote Ernst inquiring about a conversation Ernst had had with Harvey Matusow, the F.B.I. informant who was later exposed as a pathological liar in a sensational series of personal statements that ultimately led to his being convicted of perjury. Ernst thought he had told Nichols of the talk; Nichols thought not. Instead he recalled Ernst talking to him March 29 about "some of your contacts in Washington regarding the Army situation which was then breaking into the open," i.e., the aforementioned hearings at which Senator McCarthy's charges of Communist infiltration of the military were thoroughly discredited.

The correspondence shows that Ernst did attempt to use his Hoover connection to help, among others, a prominent opera star threatened with deportation, a rising young historian who needed a security clearance, a German refugee and two anti-Nazi authors accused of some vague Communist connections. Legend has it that he also intervened in behalf of Edward R. Murrow, who had come under criticism for having leftist sympathies, but the only reference to the CBS commentator in the files is a letter to Hoover in which Ernst promises to ask Murrow to stop criticizing the F.B.I.

Ernst was a persistent purveyor of tittle-tattle but his information didn't amount to much. A lot of it was floating around New York literary circles. Sometimes he told Hoover he had heard that so-and-so was representing a radical; occasionally he passed on courthouse gossip about judges or legal strategies. When read today it sounds like run-of-the-mill dinner-table talk at "21." His requests for information about clients, prospective or actual, is a different story. Is it usual for lawyers to consult the police before deciding to represent a client? I hope not. But Ernst did not regard the F.B.I. as a police organization, and as far as he was concerned, that was that.

We should remember that Ernst was a self-confident and opinionated man. He felt there was no limit on what he could do. Once in a sketch in a New York Bar Association Pipe Night show, a Morris Ernst character said he was in a terrible quandary. What was the trouble? Morris had one hundred solutions but only ninety-five problems. Ernst loved to play the role of iconoclast yet if anyone challenged his admiration of the F.B.I. he simply asserted it more stubbornly. He liked to champion unpopular causes. Every accused man, he often said, no matter who he is, what he has done or what he represents, is entitled to a legal defense. He had an aphorism that he often repeated, particularly when talking about Communists or those he believed to be Communists. "If it looks like a duck and walks like a duck and quacks like a duck, it is a duck." That simplistic formula helped him resolve complex moral problems.

His relish for taking on unpopular causes sometimes got him into trouble—for instance, the time he represented Frank Costello, the gangster. Ernst did not solicit Costello's legal business but when the latter appeared on his doorstep he did not turn him away. Costello had a civil rights problem. He was being hassled by the police and the district attorney, but no charges had been brought. Ernst told them to

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put up or shut up, and they did. Costello gave Ernst a magnificent Tiffany watch the following Christmas. Ernst didn't need a watch, so his wife took it back to the store for exchange. The jewelers examined it and said, "It's a fine Tiffany case but the works are not Tiffany's." Later, when Costello wanted Ernst to defend him on income tax charges, the firm suggested Ernst best not represent him.

PART III

The Rosenbergs: A Cause Too Unpopular

To anyone familiar with his record, the revelation that Ernst had sought to insert himself in the Rosenberg case could have come as no surprise. To be sure, the A.C.L.U. had taken the strongest possible stand against the Rosenbergs. As early as May 2, 1952, the organization had issued a long statement declaring that on no point did the Rosenberg trial or the verdict raise a civil liberties issue. It was signed by Herbert Monte Levy, A.C.L.U. staff counsel, and there is no reason to believe that Levy's stand differed from that of Ernst and other members of the A.C.L.U. board. The tough stand was reiterated December 8, 1952, in a declaration by the board: "We limit ourselves to issues involving civil liberties, and we find no such issues in this case."

A score of times Morris Ernst had asked Hoover and Nichols, "What can I do for you?" He had done so at the time Judith Coplon's case was in the courts. According to a memorandum from Nichols to Tolson dated June 1, 1950, Ernst had raised the question of defending Harry Gold, the confessed Soviet spy, saying, according to Nichols, that "he wondered if this was something that he should do wherein he could render a service." The Bureau had no interest in Ernst's proposal; Gold had counsel, and the F.B.I. had all it wanted out of Gold.

Given Ernst's doggedness, what could be more natural than that on December 19, 1952—eleven days after the A.C.L.U. had declared it would not join the Rosenbergs' appeal—Ernst should call Nichols to say that he had been in touch with the Rosenberg family and thought there was a good chance of his entering the case. He said he was interested "on only one ground, namely, that he could make a contribution," according to a Nichols memorandum. Ernst told Nichols that he knew the Russians had scrapped all their germ-warfare propaganda against the United States; they were concentrating only on the Rosenberg case. If Julius Rosenberg "breaks and tells all he knows, this would be a terrific story and probably would be most helpful to the Bureau." He said he had met with Julius's sister Ethel Rosenberg Goldberg, another sister and his brother, and was looking forward to meeting with their lawyer, Emanuel Bloch.

Nichols quoted Ernst to the effect that he was convinced that if Rosenberg confessed it would save many lives but he

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did not wish to enter the case unless "it was agreeable," and he wanted as much information as possible from the Bureau on Rosenberg before talking with him.

If Ernst had expected a quick green light he was to be disappointed. Nichols gave him an equivocal reply after consulting Hoover. That might have been because so many spoons were already in the pot: the Central Intelligence Agency had plans for convincing the Rosenbergs that Stalin was bent on exterminating the Jews, the idea being that such propaganda would cause the couple to turn their backs on Communism. The F.B.I. probably had its own scheme, and God knows how many others were afoot.

When Nichols's memo was uncovered by Ronald Radosh and Joyce Milton last year, Ernst's friends immediately pointed out that the story was just Nichols's version and that he was not the most credible witness. As sometimes happens, however, the friends were wrong and Nichols, in essence, was right. Ernst did make an effort to involve himself in the Rosenberg case—an unsuccessful one as it turned out. But the initiative came from the Rosenbergs.

It is a sad and, in the end, pitiful story. By December 1952, the Rosenberg relatives were at their wits' end. Appeal after appeal had been turned down. The National Committee for the Rosenbergs was getting nowhere. Bloch could offer little hope. It was a low point, and they were trying to find prominent people to join in a call for clemency.

"I remember it very well," Rosenberg's sister—now Ethel Goldberg Appel—said in an interview last December: "We were making the rounds, my brother and sister and I. We went to see Mrs. Roosevelt in her office at No. 2 Park Avenue. We thought she was a friend. She received us and we read her a letter which we had written to President Truman. There was this sentence in it: 'Is it customary for the courts to condemn the innocent and let the guilty go?' This line seemed to move Mrs. Roosevelt very much."

But Eleanor Roosevelt told them, said Ethel ("I am very proud of that name: I share it with Ethel Rosenberg"), that if she signed a petition for clemency it would mean that she felt the courts were wrong and the Rosenbergs were right. She did not think she could do that. Instead, she suggested they see Morris Ernst, whom she described as a great civil rights lawyer. They had never heard of Ernst but they made an appointment, for either December 18 or 19, 1952. (Nichols's memo says Ernst saw them twice; Ethel remembers only one occasion.)

To her recollection, it was not a pleasant meeting and did not last long. Ethel's memory is that it consisted largely of a lecture on communism by Ernst. He had a copy of his book *Report on the American Communist* on his desk and pushed it toward her to read. At one point his secretary called Ernst out of the room. While he was gone, Ethel made some angry observations, but her brother shushed her, pointing to the desk. He thought there was a tape recorder there. They sat in silence until Ernst returned. That was the end of it as far as she recalls. They told Manny Bloch about it, and he said, "What did you expect—he's the F.B.I. lawyer." She is not sure, after all these years, if Bloch had approved of their consulting with Ernst. She thinks he said, Go ahead, see what he says—something like that.

So that was how Ernst entered the Rosenberg case. According to Nichols, in another talk he had with Ernst, on the evening of January 9, 1953, Ernst had said he thought Bloch didn't want him on the case and preferred that the Rosenbergs be executed (reflecting a belief, common among some students of the case, that the Rosenbergs were more valuable to the Communists as martyrs). He had also elaborated a theory that Julius Rosenberg was the weaker partner in the marriage ("Julius is the slave and his wife, Ethel, the master"—a pseudo-Freudian thesis that was advanced at the time in some C.I.A. studies). Finally, Ernst wrote a letter to Ethel Goldberg, which she has kept to this day. It is dated January 23, 1953.

Ernst said he was writing "so that there will be no misunderstanding between us."

> After sitting with you and your sister and your brother and without any commitment whatever to represent you, I made an offer which you seemed to be enthusiastic about, that I would be glad to see the attorney for Mr. and Mrs. Rosenberg. I told you I did have an angle which I thought might conceivably save their lives. I also told you that I would not represent the family or do anything whatsoever without first having a conference with the attorney for your brother and his wife. He has the responsibility for possibly saving their lives.

Ernst went on to say, "I have had several conversations with you and Mr. Bloch." He made the same assertion, if Nichols is to be believed, to the F.B.I. But Ethel Appel remembers only one meeting. Perhaps there were telephone calls that have slipped her mind. Ernst continued, "I am at a total loss to understand [Bloch's] failure to see me as he promised he would."

Ernst wrote that he wanted "no implication that I am in default in any way to move forward in the single direction which I have mentioned to you." Then he added, "I have an idea, however, that your brother, at our conference, perceived the tactic which was lying in my mind at the time of our lengthy talk, a tactic which seemed to me to have some hope of saving at least your brother's life."

The implication of this cryptic letter (and probably cryptic conversation) is that Ernst's "tactic" was that Rosenberg save his life by confessing.

What to make of this? Certainly Ernst was correct if he felt that by confessing Julius could win clemency for himself and his wife. Such an admission was precisely what the government had been trying to obtain from the beginning. In fact, the minutes of a February 8, 1951, meeting of the Joint Congressional Committee on Atomic Energy spell out this strategy in clear and simple language. The death sentence would be demanded for Julius (at that time no one thought it might be applied to Ethel) to put maximum pressure on him to confess and reveal the details about Soviet espionage plots in the nuclear field. He was described as a "tough nut" and nothing less than the threat of execution would compel him to confess.

Certainly there is no reason to suppose that Ernst thought the Rosenbergs innocent or that their sentence was in any

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way unjust. (Four years after their death, Ernst would request and obtain materials from the F.B.I. in order to engage in a polemic with Bertrand Russell in which Ernst insisted on the guilt of the Rosenbergs and the full legality and justice of their execution.) Still and all, is this the response one expects from a champion of civil rights when a last-ditch appeal is made to him? And what of the quick telephone call to the Bureau? It is fair to say that by that time Ernst felt no obligation to convicted Communist spies—in other words, to the enemy.

Morris Ernst did not adhere to the doctrine prevalent today that it is precisely in cases involving people whose ideology is repellent to most Americans—native fascists, members of the Ku Klux Klan, American Nazis, fringe radicals, communists—that the civil libertarian must be most resolute. Nor did his colleagues at the A.C.L.U. Ernst was a man who believed in the First Amendment, but not in absolute terms. The exercise of free speech must be reasonable. According to Nichols, in 1956 Ernst toyed with writing an article pointing out that the F.B.I. was not alone in its use of "faceless informants"; newspaper reporters also refused to identify their sources. He even ruminated over the possibility that authors should be forced to disclose their identity and not hide under pseudonyms.

But as far as Ernst was concerned, Communists had been placed beyond civil liberties bounds in 1940. It was not his loyalty to the Bureau that determined his attitude toward the Rosenbergs; it was his conviction that they were instruments of an international conspiracy against American freedom.

In a 1953 memorandum, Nichols recounted that on the afternoon of June 4, either Ernst or someone reporting Ernst's views (the memo is not clear) dropped by Nichols's office while he was out. The visitor left a message—a prediction that the "first break" in the Rosenberg case would come when Julius and Ethel admitted they were Communists. Fifteen days later, June 19, 1953, the Rosenbergs died in the electric chair. They had never admitted anything.

Toward the end of the 1950s the strange correspondence was approaching a bumpy end. Ernst wrote an agonized letter to Nichols on August 7, 1957 (it had been a long, long time since he had had any genuine exchange with Hoover), saying he was "bewildered and shocked by the message you sent me from Edgar." The message could not have been more blunt: Nichols told Ernst he could not understand why he would even call the F.B.I. in view of his "conclusion that we had rigged the typewriter in the Hiss case." He was referring to a statement that Ernst had made in relation to Alger Hiss's book *In the Court of Public Opinion* and that had appeared in an advertisement in *The New York Times* of May 13, 1957. Ernst said that while he had not read the trial record, he was "now inclined to believe that Hiss was not guilty. . . . I have a hunch that the validity of the court processes in the Hiss case may one day be profoundly re-examined."

In his letter Ernst assured Nichols that he was not challenging the typewriter evidence; his conclusion was based on other considerations. But Nichols, after discussing the matter with Hoover, personally told Ernst, "If Hiss was innocent, then the F.B.I. lied." In a memo to Hoover reporting his talk with Ernst, Nichols wrote, "I told him the typewriter was the key and that, if he did not believe *the typewriter hoax*, his position was all the more untenable and cast an even greater reflection upon the FBI." (The emphasis is mine. Was the use of the word "hoax" a Freudian slip?)

Hoover scribbled on Nichols's memo: "He is a liar and I want no explanations from him. I will not allow any FBI contact with him." Hoover ordered a full examination of Ernst's record "for the Director's information." It was a classic F.B.I. production. Although Hoover had been friendly with Ernst for twenty years, the report pulled no punches. Between 1925 and 1941, it said, Ernst had been connected "with a number of cited communist fronts, such as the American Labor Party, the Garland Fund and the National Lawyers Guild." It conceded that he had resigned from the last-named group in 1940 but went on to explain that he had attended "a secret Communist Party meeting at Chicago, Illinois, 12-21-39" on behalf of the A.C.L.U. and that in 1956, the Greenwich Village Section of the Communist Party considered inviting him to speak at a rally for the Communist newspaper *The Worker*. On the other hand, it did mention Ernst's writings and speeches opposing communism. There was a note that Ernst had been defense counsel for Robert Vogeler when he was prosecuted for espionage in Hungary in 1950, and another reporting that in 1943 he acted as attorney for Frank Costello, "a well known gangster and racketeer." It was a typical example of information contained in the raw files of the organization to

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which Ernst had devoted so much of his energy and admiration.

In late October 1957, Nichols resigned from the Bureau. Ernst wrote to him: "I think from time to time, I have been of some slight help to you and the FBI. Do let your successor know that I will always be available for such cooperation." So far as the record indicates, Ernst's phone never rang, and the strange correspondence dribbled off into a few random notes. There was, however, one letter of genuine importance during this last period.

PART IV

The Galindez Case: On Trujillo's Service

On the evening of March 12, 1956, at about 9:15, Jesús de Galindez, a Basque exile, left Room 306 at Columbia University's Hamilton Hall, where he had delivered a lecture to his Spanish-American history class, and was driven by a student named Evelyne Lang to the Columbus Circle subway station. Presumably he was en route to his shabby book-crammed apartment at 30 Fifth Avenue. He was never seen again.

The disappearance of Galindez caused a great stir. He was a quiet, scholarly man who had left Spain at the end of the Civil War and had gone to France, where he stayed until the Nazi invasion prompted him to take refuge in the Dominican Republic. There he lived until 1946, when he came to the United States. He was, in a modest way, an opponent of the dictatorial regime of Gen. Raphael Trujillo. Soon after Galindez's disappearance, police and reporters began turning up evidence that he had been kidnapped by Trujillo's agents and that on the same night he had been flown to the Dominican Republic in a light plane, identified as Beechcraft N68100, piloted by a young man named Gerald Murphy, which took off from Zahns commercial airport at Amityville, Long Island. The plane had been fitted for long-distance flight. All kinds of rumors fluttered around the case, including reports that the F.B.I. and the C.I.A. had had some hand in it. About a year later *Life* published an article purporting to track the Murphy plane from several days prior to Galindez's disappearance and on to the Dominican Republic where, *Life* asserted, Galindez was murdered.

The Galindez case was one of those baffling mysteries that do not fade away. It became a *cause célèbre*. One reporter after another unearthed the "inside story" of how Trujillo had killed Galindez.

Whose idea it was to have Morris Ernst look into the Galindez matter is uncertain. What is known is that the proposal came from Trujillo himself, or rather from the New York City firm of Sydney S. Baron, which handled public relations for the dictator. Ernst was asked if he would undertake an independent inquiry. Whatever money he needed would come from Trujillo via Baron; he would be given unhindered access to materials in the Dominican Republic—police records, the works. He could conclude whatever he wished in his report; let the chips fall where they may. On July 16, 1957, Ernst accepted Baron's proposal.

Ernst certainly knew that Trujillo would not put up the money if he expected an unfavorable verdict. Ernst also knew that his critics—and he had plenty by this time—would gather like crows in a barnyard and peck at every grain of evidence, looking for bias or special favors. It was the hottest potato he had ever been offered, and that made it irresistible. His partners did not think it was something with which Greenbaum, Wolff and Ernst should be associated. Ernst agreed and told them he would set up a separate investigative bureau. The partners consented. After all, Morris Ernst was Morris Ernst. Some of his closest associates begged him to stay away from the case; whatever the outcome he would be hurt. But by then he was adamant. He had developed a plausible rationale for his involvement. He would be a warrior against "trial by press." Just because the press had produced evidence that Trujillo was guilty, it was more important than ever that he, Ernst, make an independent inquiry and establish the truth. Even the worst dog deserved his day in court. Of course there was no stopping Ernst.

To say that this was a cockeyed enterprise is putting it mildly. Ernst enlisted a respectable upstate New York judge, William H. Munson, as a co-principal and brought in Alan U. Schwartz, a bright young lawyer at Greenbaum, Wolff and Ernst, to do the legwork. "Before this is over," Ernst told Schwartz, "you are going to get your ears slapped. But that is what ears are for."

This unlikely trio plunged headfirst into as gamey a case as New York had known in a long time. Ernst's notion that he and his small, inexperienced staff could uncover facts in a case so cross-grained with plot and counterplot was preposterous. It did credit to his chutzpah but not his common sense. The underworld of Latin American intrigue, shadowy F.B.I. maneuvers and C.I.A. manipulations is difficult even for the world's toughest investigative reporters to penetrate; men like Peter Kihss and Tad Szulc of *The New York Times*, both of whom had had a whirl at the Galindez affair and both of whom had produced some very solid discoveries, had still left many questions dangling.

Of course, Ernst may have thought he had an ace up his sleeve: his friend J. Edgar Hoover. Hoover would slip him the gen or at least point him in the right direction and keep him from falling into black holes. If that was Ernst's hope it was totally dashed.

Initially, Ernst did something that was most peculiar for someone who intended to conduct an independent investigation. He invited the F.B.I. and the C.I.A. to assign liaison agents to his team. Exactly what he thought their role would be was never clear. The F.B.I. ignored the invitation. The C.I.A. sent a clone of the Man Who Came to Dinner. The agent showed up at the office every day, but gradually Schwartz came to realize he was not there to help them.

In fact, the C.I.A. man led Schwartz on a wild-goose chase. Schwartz was looking into a theory that Murphy might have flown Galindez to Cuba (then in the hands of Trujillo's fellow dictator Fulgencio Batista). Why Murphy

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would have done that was not clear, but it was a hot lead and Ernst instructed Schwartz to go to Cuba to inspect the Havana airport logs and interview Cuban secret police.

It turned into an episode from *Casablanca*. The C.I.A. man, who sometimes called himself Flory, sometimes Freeman, sometimes Fogarty and probably possessed a half-dozen other aliases, went along as Schwartz's guide, companion, interpreter and bodyguard. Hardly had Schwartz checked into the Havana Hilton when the telephone rang. An unknown voice left an incomprehensible message. Schwartz and Flory a.k.a. Freeman/Fogarty visited the offices of the Cuban secret police. The corridors resounded with the screams of alleged Castro supporters whom the police were beating up. Schwartz tried to pursue his inquiry. He was handed a file, but it was on the wrong Murphy. When he told the cops it was the wrong one, they began to curse and shout. Schwartz and F-F-F slipped away. Back at the hotel the telephone rang. A voice at the other end told Schwartz that if he was not out of Havana by nightfall he would be kidnapped by Castroites. F-F-F said they must leave immediately. Schwartz said no, he had to call Ernst. He called Ernst and started to tell him what had happened, using a prearranged code. "Never have an open conversation on the Cuban lines," Ernst had told him. So Schwartz began to talk about a divorce case, as agreed. "What are you talking about?" Ernst roared. "I can't understand a thing. Talk English." He had forgotten the code. Soon he called back and gave Schwartz permission to leave Havana. He and F-F-F caught a cab for the airport, but when they were almost there, the C.I.A. man told the driver to stop at a brothel. Ever since, Schwartz has wondered if the place doubled as a C.I.A. safe house. After an hour or so the agent emerged; they caught their plane and returned to New York City.

Of course, the Ernst inquiry was not all fun and games, and when the report came out everything hit the fan. Ernst had never felt such a backlash in his career. The report was dated June 1, 1958, and the cover page had a pseudojudicial format:

Report and Opinion

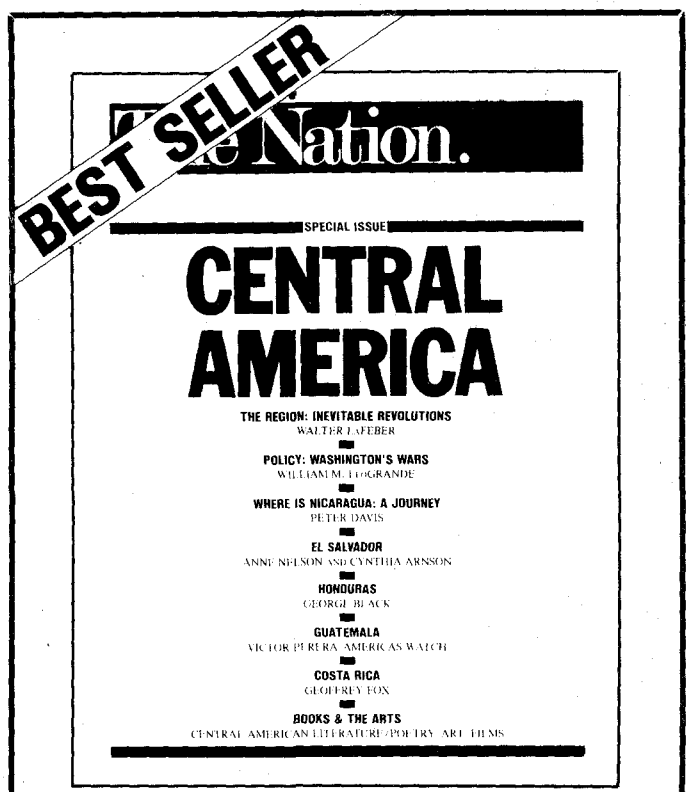
In the Matter of Galindez

Report and Opinion: Morris L. Ernst

Concurring Opinion: William H. Munson

Alan U. Schwartz: of Counsel

Its conclusion: "There is no evidence of any nature which we have come across pointing toward [Galindez's] death or of any crime connected with his disappearance." Certainly they had come across no such evidence. How could they unless Trujillo obligingly had turned it over? They had tracked the Murphy plane and had tentatively concluded it had gone to Havana, but the report was not clear as to what it might have done there. A major part of the report dealt with a Basque fund of $1 million which Galindez had handled. After his disappearance the fund dried up, which the report noted along with the fact that he had two numbered Swiss bank accounts. No explanation of where the money had



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come from was offered, however. Ernst believed it had been provided by the C.I.A. Later he said he didn't mention that fact for reasons of national security. He and Schwartz had lunched in Washington with J.C. King, then chief of the C.I.A.'s Western Hemisphere Division, who told him that if the agency connection was exposed the lives of 200 to 400 people in Western Europe would be endangered.

After the report came out and the criticism rained down, Ernst concluded he had made a terrible mistake. He should have mentioned the C.I.A. connection, which was beginning to be discussed publicly. (In his Washington column Drew Pearson reported the supposed threat to the Europeans if the information was released. Pearson suggested, wrongly, that the money had been spent in an effort to overthrow Franco.) Two months after the report was released, Ernst wrote Sydney Baron proposing that the inquiry be reopened. He particularly wanted to make public the C.I.A. connection. Baron replied, No thanks. Trujillo had got his money's worth and had no need of any further revelations.

The dictator had laid out a considerable sum. According to figures made public in October 1958, the total cost to Trujillo—or at least the amount Baron reported he had received, in a public statement—was $562,855. Ernst received $70,000 and Munson $30,000 for their efforts. Ernst was paid an additional $101,793 for expenses, such as Schwartz's trip to Havana and the rent on the office. Baron reported $14,708 in expenses and $330,000 compensation.

After the assassination of Trujillo, in May 1961, the government of the Dominican Republic opened its files on the Galindez affair. Many reporters examined them, interviewed witnesses and reconstructed an account that left no doubt that Galindez had been kidnapped and flown to the Dominican Republic by Murphy, just as reporters had originally surmised, and then was killed after a dramatic confrontation with Trujillo, who told him, "Now your life is worth no more than one page of the lousy book you are writing." Murphy and almost everyone associated with him had died violently in the next few months: killed in brawls, falls over cliffs, etc. In fact, all were murdered. When those reports began to appear, and particularly when Tad Szulc published a vivid and detailed account in *The New York Times*, Ernst said that he "welcomed an inquiry" but showed no interest in taking up the case again. His only regret continued to be that he had not named the C.I.A.

Indeed, the agency's role remained the only genuine mystery in the case. What was its involvement? Alan Fitzgibbon, a historian who has devoted many years to studying the Galindez case, who has patiently and persistently recovered thousands of documents from the C.I.A. and the F.B.I. and who is still fighting in the courts for the many hundreds of pages the C.I.A. withheld, has put together what seems to be a precise picture of the role of the agency. It had nothing whatever to do with Galindez's death. The C.I.A.'s only interest in Galindez was as a transmittal belt for funds to the Basque underground. Galindez performed that service automatically. He might not even have known that some of the money he passed on might have been from the C.I.A. He had inherited the trusteeship of the Basque fund and simply continued the flow. Primarily, the C.I.A. was interested in preventing anyone from knowing about the Basque espionage network it was directly funding in Paris. The funding had started with the Office of Strategic Services during World War II, when Spain was virtually an enemy country. Once the war ended and the C.I.A. came into being, the United States still had only peripheral diplomatic relations with Spain. The agency could not set up its own station so it went on doing business with the outfit set up by the O.S.S.

The idea that revelations about this whiskered operation could possibly cause harm is incomprehensible to the most security-minded person. But the C.I.A. responded as though the family jewels were at stake. It sent a team into Manhattan to comb Galindez's room for embarrassing evidence and hovered like a mother hen over the case, convincing everyone that Galindez was indeed a critical agent—just the opposite effect that the agency had intended. Dozens of reporters, investigators and, no doubt, foreign spies gathered to try to pick up the pieces. It was just one more high comic episode provoked by the C.I.A.'s chronic security mania.

The F.B.I. had a much more direct and pedestrian connection with Galindez. He was an informant—not an important one, but a handy man to keep an eye on Latin American radicals. The Bureau also checked out Galindez's room; it found nothing revealing there and simply faded out of the picture. The F.B.I. and the C.I.A. each knew of the other's interest, and each probably knew from the beginning who had kidnapped and killed Galindez. But far be it from them to volunteer information to the enforcement arm. And they are still stonewalling.

PART V

A Sad Letter and the Author's Postscript

The Galindez case marked the end of the line for Ernst. It badly damaged his credibility. The world was changing, and his limited concept of civil liberties and fierce determination to place anticommunism in the forefront seemed dated. The nation had gone through the McCarthy period. It was recuperating from the binge, and Ernst had not played the kind of gallant role in opposing the Senator from Wisconsin that some expected from a man of his attainments.

On February 6, 1958, Ernst dictated to "My dear Edgar" the last truly personal letter of the strange correspondence. Ernst had, he felt, arrived at the crossroads. He had still not written his report on Galindez. The case was there yawing before him, its outlines blurred by the cloaks and daggers of government agencies, its mysteries frustrating, the truth slippery and elusive; and he may have been experiencing one of his rare moments of self-doubt. He wrote:

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> After more than twenty years of what I have cherished as a thoughtful and frank relationship between the FBI and myself, I am disturbed at a situation that has arisen. Since I may have misinterpreted some facts I would like to see you. I realize that I may not with propriety, speak to you about the inquiry I have been conducting into the Galindez disappearance. As you know I was hopeful that I could be helpful.
>
> The correspondence with the Attorney General [Herbert Brownell] indicates that contacts between Judge Munson and myself and the FBI are precluded since in the language of the correspondence, the Attorney General has refused to give a "directive" for such contact. I do not want to see you in order to convey information as to the fruits of our investigation in our search for the truth, but I am most anxious to clarify what seems to me to be an odd kind of disturbance in my relationship to the FBI.

Ernst offered to come down at any time on a few days' notice if Hoover had a bit of time to spare for him. No response is recorded, nor is there any evidence the men ever met.

A sad, a tragic, letter. But Ernst was Ernst. He could not resist stuffing into the envelope the texts of two letters for the director's eyes, and he also summarized a review he had done of Hoover's new book. "It is a swell job that you did and I fully understand why its boundaries were circumscribed."

Ernst never understood the reason for Hoover's refusal to cooperate with him in the Galindez inquiry. He tried to convince himself it was the Attorney General's fault. He never realized that when he spoke up for Alger Hiss he placed himself on the other side of the barricades. When he decided to take the Galindez case he had gone around, as usual, to see Nichols to offer the F.B.I. anything he dug up on Galindez and to ask for Bureau support. His imagination could not have encompassed the savage comments that Hoover would initial on every memorandum concerning him and Galindez, each more violent than the last: "I certainly want no part of using Ernst in any medium"; "Ernst is always maneuvering—in his own interest."

On September 19, 1957, an F.B.I. official, G.A. Nease, wrote Tolson a memo saying he had advised a former agent whom Ernst wanted to hire that "if he wished to smell like a skunk, a good way to accomplish this was to continue to associate with them." Hoover scribbled, "Very sound advice." On October 22, Hoover wrote in his crabbed hand: "The FBI will have no dealings with Ernst because (1) he is a Trujillo agent (2) his review of Hiss' book indicates he believes the FBI framed the evidence."

Hoover's last recorded note to Ernst was sent June 4, 1958, a three-line acknowledgment of a copy of the Galindez report. A blind postscript was typed on the letter:

> Note: The enclosed voluminous report has been separately sent to the Domestic Intelligence Division. The report is highly controversial and no further comment is believed desirable. Ernst was formerly on the Special Correspondence List and the Bureau is most circumspect in its dealings with him on this matter.

Hoover then alerted the F.B.I. to watch closely for any violation by Ernst of the Alien Registration Act.

Although I have called it "strange," the correspondence deserves a more thoughtful characterization than any of the terms in my introductory paragraphs can provide. A profound lesson can be drawn from the letters, particularly at this time when, again, those manning the ramparts of civil liberties are pondering the consequences of close association between the defenders of free expression and those who seek to undermine and violate its foundations in our democracy. Some of the issues involved in the Ernst-Hoover exchange are present in current controversies over the role of the A.C.L.U. and the C.I.A. in the Freedom of Information Act legislation.

Indeed, those issues are always present and can be illuminated only by a study that takes up the still largely unexamined question of Hoover's manipulation of American opinion. How did Hoover's machinations distort the workings of American institutions and the conduct of public officials? How did they affect influential private citizens? To what specific uses did Hoover put his remarkable files?

To put it bluntly: Whom did he blackmail and with what success?

Hoover has been dead for a dozen years. Not yet has a penetrating analysis been attempted of the behind-the-scenes activity of the Master G-man, the nation's "top constable," as Ernst called him.

Today there is sufficient material in the public domain to begin to sketch the dimensions of this malign force even if, as alleged, masses of Hoover materials were destroyed. It is an exercise that cries for execution. Until it has been accomplished we will remain in ignorance of the extent to which our democratic process was debased by an agency whose highest duty is the protection of the American ethos against crime and conspiracy. And the danger that it may happen again will continue to lurk in the dark corridors of bureaucratic Washington. □

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BOOKS & THE ARTS.

Defective Affinities

ARTHUR C. DANTO

'Primitivism' in 20th Century Art

In one of its less felicitous efforts to instruct its readership in matters of high culture, *Life* once ran a photographic essay on Abstract Expressionism. It consisted of juxtapositions of paintings with objects in the world that resembled them, sometimes quite precisely: heavy black scaffolding silhouetted against a blank sky went with a painting by Franz Kline; tangles of waterweeds were put next to a Jackson Pollock; perhaps—my memory here grows vague—faded and peeling posters on a worn fence, a found collage, were placed beside a Willem de Kooning. All this was meant to reassure readers that these new and perplexing artists had not really abandoned the mimetic imperatives of Western art but had merely changed the subjects to be imitated, copying fragments of reality heretofore neglected. The implied rule of appreciation was to treat the paintings somewhat like the photographs of most-wanted criminals in the post office: carry the image around until you find something to match it, then collect your reward. It would be difficult to think of a more serious perversion of the art movement this essay set out to clarify. If the artists in question had not altogether forsaken what was referred to as The Image, they never used images in the manner of exact resemblance that the *Life* juxtapositions required.

I am reminded of that dim didactic effort by the publicity for "Primitivism" in 20th Century Art at the Museum of Modern Art, which sets beside one another examples of primitive and modern art: an elongated Nyamwezi effigy is yoked with Alberto Giacometti's "Tall Figure" of 1949; a Zuni war god is put alongside Paul Klee's "Mask of Fear" of 1932; a Mbuya mask from Zaire keeps company—both have concave noses!—with one of the heads from the right side of "Les Demoiselles d'Avignon," and so on. All this is placed under the teasing title "Which is primitive?" The difficulty of answering that question on the basis of visual data alone—there are, admittedly, the resemblances, making the title teasing in a different way from, say, placing a wigwam beside the Chateau de Versailles—is doubtless meant to make the observer rethink his or her concept of primitivism. If those dark exotic cultures could produce objects indistinguishable from artworks produced by some of the most celebrated artists of our culture, well, either they are not so primitive or we are not so advanced as we might have thought. Nothing, I believe, could more seriously impede the understanding either of primitive or of modern art than these inane pairings and the question they appear to raise.

If there is a single lesson to be learned from recent philosophical analyses of art, it is that it is possible to imagine objects that are visually indistinguishable though one is a work of art and the other not; or where both might be works of art with such different meanings, styles, structures, references and thematizations that their perfect resemblance is incidental to any point save the demonstration of its irrelevance. That lesson could be nowhere more usefully kept in mind than in approaching so stupendously misconceived an exhibition as the present one, which obligingly deconstructs itself by making that very point midway through. Next to an Ibibio mask from Nigeria is installed Edvard Munch's celebrated lithograph "The Shriek." The print provides the visual equivalent of an auditory phenomenon in that we not only see that the woman on the bridge is screaming, we in effect *see the scream*, since the artist has transduced the landscape into a pattern of soundwaves. The mask, like Munch's screamer, has an open mouth, and it is covered with a linear pattern which, if read like the one in the Munch, would yield the stunning interpretation that the mask bears a scream on its forehead. I heard a number of visitors express doubts about this pairing, but had they read the guide booklet, they would have seen it was made precisely to raise that doubt. "This association would be fortuitous on the formal level," the booklet reads, "and badly misguided with regard to meaning."

But where in this entire display are the pairings not, in this fashion, fortuitous and misguided? Picasso, who collected and admired primitive objects, certainly gave the heads of his crouching demoiselles the power of African masks, but the connotations of primitiveness available to him were scarcely available to the mask makers themselves, for whom masks meant whatever they did mean in the magical transactions of tribal existence, but certainly not whatever heart of darkness Picasso may have meant to paint in a harlot's corner. He was not painting pictures of masks in the way in which Max Weber painted a Congo figure in one of the still lifes shown, one of the few cases where there is a convincing but almost pointless connection between a primitive and a modern work: the former is the subject of the latter, as if it were a plate of apples or a vase. Nor was he simply borrowing exotic forms, as Victor Brauner did in an awful 1934 canvas which takes over a frightening image of the God A'a from the Austral Islands. Mostly, as with the Picasso, we are told of "affinities," "prototypes," "influences," "reflections," "compelling resemblances," "uncanny similarities" and similar tenuous relationships conveyed with the thin and dreary lexicon of the art-appreciation course. One watches the visitors playing the imposed game of resemblances, pointing with excitement to the meaningless similarities the framers of the exhibition have assembled for their edification. It is an unhappy experience to observe these hopeful pilgrims coerced by as acute an example of museological manipulation as I can think of. The only outcome can be a confusion as deep as that which underlies the entire array.

I don't think we really know the first thing about primitive art, not even whether it is right to treat it as art, however handsome and strong its objects may be. We do not know whether there is sufficient parity of purpose and content among all cultures identified as "primitive" to justify bracketing them together under an overarching designation. Indeed, this habit of identification may be as vivid a transport of cultural imperialism as the concept of Orientalism is according to Edward Said's famous polemic. In one room of the show there is a case with figures from New Guinea, Zambia, Zaire, Nigeria.

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But what do they have in common, really, with one another, or with objects from Easter Island or the American Southwest or Papua or New Ireland or the Arctic?

One may speculate that whatever ends they serve will not be esthetic, or will rarely be that, and that they typically exist in a universe of forces, powers, gods and magic with which they may put their users in touch. There is in this respect a possible "affinity" with some Western works, Byzantine icons, for example, in which the saints were believed not so much to be depicted as to be actually and mysteriously present. Such a concept of presentness contrasts sharply with the distancing manner of representation that animates a good bit of Western art, including most of the modern works in the exhibition. Primitive art, if indeed primitive in this sense, was not meant for audiences, viewers, dealers and collectors, but for participants and celebrants. The objects are instruments of ritual existence to which the suitable response might be a dance or a howl, not the peering and pointing that goes on in museums. In saying they are not works of art I do not mean that they cannot be treated esthetically but that treating them so is at odds with their raison d'être. The cultures they came from almost certainly lacked a Western concept of art, and these things answered to something deeper and—well—more *primitive* than art as art can tap.

In a sense, their appropriate habitat in our culture is the glass case of the ethnographic museum, where they squat in a kind of quarantine that underscores their aboriginal dangerousness. The only primitive pieces that look at home in MOMA just now are some exhibited in a case brought over from the Musée d'Ethnographie de Trocadéro to show us where Picasso—"in all likelihood"—made his acquaintance with objects that expressed? influenced? stimulated? reinforced? his own use of primitive motifs. Liberated from their cases, allowed to be perceived as "art objects," they become decorative touches destined for tasteful interiors, as in the failed Rockefeller Wing of the Metropolitan Museum, which looks like a detached segment of Bloomingdale's. Because we only know how to treat these objects as artifacts or *bibelots*, they are crudely manhandled to suit our own concepts of art: as expressive objects or, more often, as objects which satisfy the ever-ready formalistic premises, enabling curators to do violence to things that have no real business with one another just because they may look enough alike to be perceived as exercises in good design. A section of this exhibition is called "Affinities," grouping objects together with reference to the shallowest criteria of similitude, like seeing faces in clouds. There is no other way to describe wrestling into contiguity a Miró and an Eskimo mask. Under formalist principles, all works are brothers and contemporaries, but at the cost of sacrificing whatever makes them interesting or vital or important.

The idea of such an exhibition is, of course, a splendid one. There is little doubt that primitivism plays the role in twentieth-century art that Orientalism did in the nineteenth century or that classical forms did in the Renaissance. But then what must be shown is not adventitious visual congruities but what these objects meant to artists and how, not especially caring to understand them, they made them their own. Sometimes the impact was moral and transformative, if the same impulses that drove Gauguin to employ aboriginal forms explain as well his going native in Tahiti. Sometimes the connection is more narrowly artistic. There is the fascinating question of why Picasso and not Braque, both shown here in wonderful old photographs with some of the things they collected, used primitive objects to recognizable artistic purpose. Here one must conjecture, but the way the primitive masks rearrange features of faces, leaving them all the while identifiable as faces, must have been a powerful stimulus to the art of rearrangement and reinvention that is the mark of Picasso. And perhaps the license furnished by the primitives must enter partially into the explanation of Cubism, even when direct citation of primitive orderings is absent, as from the still lifes and interiors of Braque, who may after all have responded to the same stimuli as Picasso. But to show such things requires something more than finding explicit counterparts for the eye to make out, especially because they may only conceal the vast distances that separate primitive from modern object. Giacometti, for example, did make totemic-looking objects. But the thin presence forced here to share space with the marvelous Nyamwezi figure surely derives from different formal im-

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pulses, even if Giacometti "probably saw this particular object." His attenuated figures are drawn up out of their heavy feet in an almost godlike gesture making man out of earth, and possess the verticality of cathedrals.

"Primitivism" in 20th Century Art is a failed product of misapplied ingenuity, a ransacking of the ethnographic collections to compose parallels which yield a triple misunderstanding, first of primitive art, then of modern art, then of the relationships between them. A three-way failure in a show meant to be educational raises serious doubts about how qualified MOMA is to use its exceptional resources to carry out its didactic aims. □

Thriller From Manila

JONATHAN KWITNY

SITTING IN DARKNESS: Americans in the Philippines. *By David Haward Bain. Houghton Mifflin. 464 pp. $24.95.*

Upon finishing this wonderful if slightly flawed book, one is seized by a desire to invite its subject, Gen. Frederick Funston, and its author, David Haward Bain, over for an evening. Despite Bain's antipathy to everything that General Funston represents, I suspect they would get on famously. They share a love of adventure, of ideas and of slightly exaggerating their own exploits, though those exploits would be impressive enough without exaggeration. I had not heard of either man before, but if *Sitting in Darkness* gets the attention it deserves, Bain and Funston could make each other household names.

Unfortunately, the dinner could never take place, as General Funston died in 1917, after fifty-one years of highly romantic existence: a childhood on the Western frontier in Kansas; service as a government biologist collecting specimens on long, dangerous trips through the wilderness; and finally, embarkation for desperate and exotic missions abroad. Gripped by a sense of national destiny, he conquered all he challenged. For the best and worst reasons, he was a quintessential American hero.

Bain's own research has been equally indefatigable (or plumb lucky). He has come up with a treasure-trove of firsthand accounts by Funston and his contemporaries that bring all those adventures to life. Reading them, one knows it was not really an interest in fauna that drove Funston to risk his life in Death Valley or to get snowbound in Alaska, where he had to eat his sled dogs before he was rescued by Eskimos. He clearly loved those adventures for their own sake. And if one remains a touch skeptical about the exact degree of Funston's peril—if one suspects that maybe he knew a quick way out of the woods in case the Eskimos didn't show up on time—he becomes all the more lovable for the scope of his legend.

Lovable, that is, until he carries his adventurism to war. But even then, Funston seems to enjoy stacking the deck against himself to insure the natives some semblance of a fair fight. That was his style. His causes, however, are a different matter, and they get the criticism they deserve in this book. The general fought to conquer Cuba and—the main subject matter of this book—the Philippines. Funston and his Washington counterpart, Theodore Roosevelt, no doubt considered those the proudest moments of American history. They weren't.

Americans still teach their young that Admiral George Dewey won the Philippines from the Spanish during a glorious battle in Manila Bay. As Bain describes the battle, however, the Spanish "fleet" was seven armorless ships whose fate was so hopeless before even a shot was fired that the Spanish admiral parked them in the shallowest waters of the bay to keep the sailors from drowning when they sank.

No, the Philippines were won from the Filipinos, in wars that took considerably longer than Dewey's duck shoot against the Spanish. Once again, Bain lets the story be told by those who lived it. A soldier from upstate New York explains:

> Last night one of our boys was found shot and his stomach cut open. Immediately orders were received from General Wheaton to burn the town and kill every native in sight; which

Jonathan Kwitny, a reporter for The Wall Street Journal, *is the author of* Endless Enemies: The Making of an Unfriendly World *(Congdon & Weed).*

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> was done to a finish. About 1,000 men, women and children were reported killed. I am probably growing hard-hearted, for I am in my glory when I can sight my gun on some dark skin and pull the trigger.

The final victory, which Funston planned and carried out, was over Emilio Aguinaldo, the president of the short-lived Philippine republic, who fled to remote hills to fight a guerrilla campaign with a few hundred followers. There are signs that Bain intended Aguinaldo to be the second major character in the book, a full counterpart to Funston. For whatever reasons, however—cultural differences, or a lack of adequate source material—Aguinaldo never comes to life as do Funston and even Bain.

Bain threw himself into the story by trying to duplicate, with a group of friends, Funston's long march over field and stream, forest and sand, to the remote outpost where he captured Aguinaldo. The book is a series of intertwined passages, first from Funston's day, then from Bain's. The contemporary stuff sometimes works, but sometimes not, and therein lie the book's flaws, forgivable as they are.

There is a clear attempt here to carry forward the colonial sins of eighty years ago to account for the plight of the Philippines under Ferdinand Marcos. It doesn't work. Americans have plenty to regret in their policies toward the Philippines, but the policies plaguing us now are those of Lyndon Johnson, Richard Nixon and Ronald Reagan, not Theodore Roosevelt.

Between Roosevelt's mistakes and Reagan's there is a lot of history and even many good deeds. In fact, the poignant thing about the Philippines now is that unlike a lot of the Third World countries that suffer under U.S.-fostered state-socialist dictatorships, that country learned—from us, and our American education system—the value of democracy. Unlike the many African nations that experienced the colonialism of European monarchies, for example, Filipinos unders[illegible]ow free government ought [illegible] They know (at the ger[illegible]rew up before aw and re-) what it is take away [illegible] a pol[illegible] whe[illegible]

lowed to return home and live comfortably to a ripe old age, surviving Funston himself by three decades. Eventually Aguinaldo participated in the independent democracy the United States briefly bestowed on the islands before and again after World War II.

Bain's effort to describe the current situation in Manila is unexceptional journalism, not up to his history. His firsthand observations don't have the depth of his research and read like anecdotes pulled together during a short stay overseas. They often miss the point. Great as it is, his account of his group's adventures on the trail of Funston should have been pared down. Their risk of death from starvation and "savage pygmies" seems exaggerated. On the other hand, Freddie Funston would have desired no less from his biographer: a hero, even if a little of the heroism is supplied by a creative pen. If it isn't the political exposé one expects, *Sitting in Darkness* is, nevertheless, a tale of great people, wonderfully told. □

Dow and Tao

NINA BARRETT

CONFESSIONS OF A TAOIST ON WALL STREET. *By David Payne. Houghton Mifflin. 752 pp. $17.95.*

Confessions of a Taoist on Wall Street is as ambitious a first novel as you're likely to see. After invoking Hawthorne in his preface, David Payne takes us from an ancient Taoist monastery in a remote corner of Szechwan province to the violent world of opium trading along the Yangtze River, then to the seedy tenements of Chinatown, and finally into the heart of the New York Stock Exchange. Along the way he postulates a relationship between Taoism and the Dow Jones industrial average, weaves in some Christian theology for good measure and fills his tale with characters ranging from an old Confucian scholar who is obsessed by his relationship with his father to a middle-aged Wall Street floor trader who wishes he'd never left the ivory tower of Columbia University.

Much of the story is playfully told, although there are also a number of landmines of self-conscious portentousness planted here and there, making it seem as if the author is torn between wanting you to step on them and hoping to steer you safely through. Anyone who made it past the first hundred pages of *The Name of the Rose* (which even Umberto Eco referred to as the reader's "penance") should do nicely. But if you are the sort of conscientious reader who reads prefaces, Payne gets you off on a wrong foot:

> I have called this tale a Romance in the sense which Hawthorne delineates in his preface to *The House of the Seven Gables*, where he is at pains to distinguish that form from the Novel. . . . In the final analysis, [the novelist] and the writer of Romance are equally guilty in the Great Deceit which art is.

Mercifully, the pontificating professor vanishes as soon as the Great Deceit begins, at that Taoist monastery where Sun I, the protagonist and narrator, has been left as an infant to be raised in the otherworldly ways of contemplative monks. On his twenty-first birthday, as he is preparing to join the order, he meets an old man who introduces himself as Sun I's uncle and tells the young man the story of his parents.

His mother was a young, overprotected Chinese woman who could not resist the attentions of the charismatic Eddie Love, an American fighter pilot stationed in China. Brilliant and unstable, Love was heir to one of the greatest fortunes on Wall Street, and when his father died, he decided that his destiny lay there instead of with the woman who was carrying his child. But before he left, he made arrangements to leave the child with the monks, much taken with a horrible pun of his own devising: whereas his heritage had been the Dow, his child's would be the Tao.

Thus, in the rarefied air of this timeless retreat, Sun I is introduced to the Dow Jones industrial average, which is described to him as being to the marketplace of the defiled world as the Tao is to the monks:

> The world's own pulse, in which the beating heart of life reveals itself to the listener—he who takes the time to master its secret language, to learn, as it were, by heart, the ceaseless, steady music of its systole and diastole, and within that, the false note which sig-

Nina Barrett is a writer who lives in New York City.

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nals disorder, its murmurs and fibrillations.

That tantalizing analogy forms the basis of Sun I's quest, for if the Tao is indeed real, it must somehow encompass the seemingly antithetical Dow. Sun I resolves to go to New York City to resolve this paradox, and to find out what has become of his father.

There is a great deal of charm in Sun I's nerdy assumption that Lao Tsu and the I Ching will help him steer a course through the defiled world. Like the pimply math whiz who stumbles into a crowd of greasers in the high-school parking lot, Sun I heads directly into a violent den of opium smugglers, where he inadvertently causes a minor bloodbath and witnesses for the first time the bloodlust that characterizes the competition of men in the material world, "the ecstasy of combat."

In New York, Sun I's attempts to learn—in the academic sense—what principles underlie the Dow's fluctuations end in comic disaster. Wall Street's leading fundamental, technical and Random Walk analysts leave him (as they have left many a private investor) no smarter than before. He comes to the ironic realization that to learn about the Dow—in the Taoist sense of intuitive knowing—he will have to become an investor himself.

What follows is Sun I's loss of innocence, as he throws himself, with the nerd's wholehearted zeal, into the "ecstasy of combat": the founding of a company so wildly successful (with the help of the I Ching's investment advice) that it begins, Pac-Man-like, to gobble up every company in sight.

If the fallen Sun I is a somewhat less sympathetic character than the well-intentioned young monk, it doesn't much matter, since Payne's characters have their allegorical charms. Sun I, for example, explains early on that his name can be translated from the Chinese as "profit and loss." The two sisters with whom Sun I becomes involved, Yin-mi and Li, are yin and yang, moral rectitude and moral "twilight," respectively. Some of his characterizations are broadly stereotypical: the mystically omniscient Taoist master; the humble Chinese restaurant chef whose best dish is "Leaping Dragons' Blissful Copulation"; and the cynical Jewish floor trader who keeps exhorting Sun I to show some chutzpah. Yet Payne avoids disaster by making the characters seem to stereotype themselves, like eccentrics whose cant becomes self-parodying.

The wealth of imaginative detail in the novel is extraordinary, and is at once its greatest strength and biggest flaw. Payne's descriptions are naturally lush, his overheated language occasionally proliferates with the density of a steamy rainforest: "I seemed to breathe a viscous atmosphere of dreams, a twilight world beneath the sea, filled with the stardust glitter of refracted sunlight sparkling through the infinitesimal prisms of suspended salts."

While some of the details are merely extraneous overgrowth, there are also stunning passages in which Sun I's observations—bits of Taoist writings, biblical quotations, remembered phrases from conversations—surface again and again and, buoyed by new observations, take on a resonance that gives the novel its own vocabulary.

The end of Sun I's quest is, in its peculiarly Taoist way, satisfyingly ambiguous. He finds his father, and yet does not; he unlocks the mystery of the Dow, but only after losing the key; like Dorothy in *The Wizard of Oz* (which is Sun I's favorite American book), he finds his end in his beginning.

If Payne sometimes gives the impression of a cocky young prodigy running his fingers at breathtaking speed up and down his literary keyboard, he has also composed a witty, engaging and original melody for his young Taoist. □

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FILMS.

ANDREW KOPKIND

The Killing Fields

Since there is not likely to be an oversupply of mass-cultural products retailing the grim Cambodian "sideshow" of the 1970s for American audiences, *The Killing Fields* must serve as our sole popular chronicle, historical analysis and moral instruction of the apocalypse then. It gives a decent serve. The hideous consequences of Nixon's secret war, the holocaust that followed and the struggle of an enslaved and decimated people for survival are movingly, and often masterfully, projected on an epic screen. It is a serious attempt to make intelligible a few of the worst years of our lives, when reason died and life was debased no less in the Pentagon than in the paddies of Indochina.

But the article was better. In "The Death and Life of Dith Pran" (*The New York Times Magazine*, January 20, 1980) Sydney Schanberg, now a city-side columnist for that paper, gave a heartfelt personal testament of the last days of Cambodia's *ancien régime* and the long travail of his local stringer under the fanatical rule of the Khmer Rouge. Pran was Schanberg's in-country "fixer," a familiar functionary for Western reporters on their far-flung assignments. He translated the difficult languages (French as well as Khmer), facilitated teletype services, bribed the appropriate officials, arranged transportation, read the papers and generally served as the primary news source for a foreign correspondent severely restricted in an alien land. Schanberg would not have lasted a week in Cambodia without Pran, or at least he would not have worked efficiently enough to get the good stories that landed him a Pulitzer.

Pran worshipped Schanberg as a friend and a Westerner, and the two roared through the Cambodian twilight, high on politic and the sheer adventure of v olution. A night fell, S d Pran and his a well-educ not be exp Khmer k fact, n abo t

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wife and children should get out while the getting was good. For himself, he chose to stay by Schanberg's side and help report the dawn of the new order. Schanberg was complimented and pleased; he could hardly get the story without his fixer.

As it happened, their worst fears were immediately realized. The mysterious guerrillas rounded up Westerners of every political and ideological tendency, herded them into the French Embassy and kept them in a terrified state of siege while the swollen native population of Phnom Penh was driven into the countryside. That "Cambodian solution," like its Germanic precedent, would end in mass annihilation. In the three and a half years that the Khmer Rouge, under Pol Pot, ruled Cambodia, some three million people were terminated with extreme prejudice, by slow starvation or sudden execution. As the beleaguered capital was draining of its natives, the foreigners were convoyed to Thailand and safety, but Westernized Cambodians were not allowed to accompany their friends and employers. The recipient of so many helpful fixes from Pran, Schanberg could not arrange the big fix for his native charge.

Having escaped Pol Pot, Schanberg returned to the embrace of Abe Rosenthal, which I suppose must be counted a blessing, all things considered. *The Times*'s editor was proud of his correspondent's award-winning performance in the field, but he did not commit his newspaper to the task of further and fuller explanation of the Cambodian nightmare. *The Times* carried atrocity stories when they broke, but its readers never did learn much about the Khmer Rouge, their contradictory politics, internal struggles and external alliances. The standard of journalism Schanberg and other correspondents had developed in Indochina was rapidly and radically degraded. When the Vietnamese invaded Cambodia and restored some semblance of civilized order to the country early in 1979, the American press, led by *The Times*, followed the State Department's description of the event as an example of Vietnamese expansionism, which posed a threat to Thailand and who knows what other Southeast Asian refuges of American power. Before long, Pol Pot was an ally and an agent of the United States, and the horrible history of a decade had been sanitized—just as Schanberg said of an earlier attempt to cover up the effects of U.S. policies.

Back in the U.S.A., Schanberg fixed his gaze on the horrors of New York City, such as the slow Cambodian solution imposed by city officials and real-estate interests on the black population of Harlem: almost 60 percent of the residents there have been driven out of their homes in the past three decades. At the same time, he tried to trace Pran's progress from afar, writing hundreds of letters and seeking intervention from all possible sources. At length, he received a picture of his old sidekick, looking alive and reasonably well near the ruins of Angkor. It seems that after a ghastly time in Khmer Rouge concentration camps and on the run through the jungle, Pran was saved by the Vietnamese invasion, and installed as mayor of Siem Reap, a city near the Angkor site. Some months later, however, the Vietnamese learned of his *Times* connection and removed him from his powerful post. Pran then made his final leap over the border, where he was reunited with Schanberg in Thailand.

It is necessary to go over these events not only to convey the epic quality of the *Killing Fields* material, which is not well known, but also to indicate how the movie fails to realize the perspectives and the personalities of Schanberg's piece and of the historical situation itself. As written by Bruce Robinson and directed by Roland Joffé, the movie is situated entirely in Schanberg's point of view. The American correspondent focuses on his own government's activities rather than on Cambodia's struggle; he is baffled by the Khmer Rouge and unmindful of the cultural and political history that led to its deformed development; he sees the natives in black and white, as pathetic victims or crazed executioners. Neither he nor the audience can understand the long passages of dialogue in Khmer, which distance us further from the Cambodians. When the movie Schanberg (Sam Waterston) is asked, near the end, whether American correspondents erred in underestimating the brutality of the guerrillas, he counters by asserting that the error was in underestimating the anger that "seven billion dollars' worth of bombs"—U.S.A.F. bombs—would cause. In other words, we are given to believe that the Cambodian revolution was both produced and shaped by U.S. policy. That may be comforting to any lingering liberal antiwar sentiment that survives from the Vietnam era, but it is dangerously simplistic, and not politically useful. There is no way that the United States (and other old and new colonial powers) can escape blame for the blood shed in wars in the Third World, but those struggles are never sim-

IL MAL'OCCHIO

Always at her window
She sits, seethes, a fleshy
Monument to malice, straining the window
Frames, pushing against the pane with her massed
Weight: her rage. She breathes in food,
Gasping for more. Whole chicken carcasses,
Enormous pizzas fed into that gargantuan
Mouth, chewed to a fine desperation, spat
Out in words. Junk words—high
In carbohydrates of hate, low in intent.

Those eyes would be engulfed
By flesh, but fury pries the lids
Apart, spills out on passers-by. Small
Artillery fire striking kneecaps, ankles.

Surely there was a woman
As hungry for chaos as this
Seated at her window, on that last
Morning in Pompeii. How anger's
Sensuous rhythm must have danced
Through her volcanic flesh
As she felt Vesuvius' first
Tremor quicken in her blood.

Carolyn Gaiser

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ple responses to specific external acts of aggression. Chile, Iran, Vietnam, El Salvador: those revolutions have their roots in the social relationships of complex histories, of which colonial intervention is only a part.

The movie's imperial perspective, liberal and humane though it is, limits Pran's reality in the same way that it simplifies Cambodia's. In Schanberg's article, Pran has more personal power, political independence and emotional integrity than he is given in the movie. Dr. Haing S. Ngor, the Cambodian refugee who plays the part, performs with a great deal of feeling and dignity, but he is seen only as Schanberg's appendage, even when he is sloshing through the killing fields of Cambodia half a world away from Schanberg on West 43rd Street. In the long second part of the movie, Pran is on screen all the time, while Schanberg is cut in only briefly, to remind us of his long-distance guilt. But somehow the camera, and the audience, looks at Pran going about his tortuous escape through Schanberg's eyes. It is the vision of the West, compassionate but uncomprehending.

For political reasons as well as dramatic ones (the movie is long as it is), Pran's rescue under the Vietnamese occupation and his brief assumption of civic power is entirely omitted from the film. Instead, we see him fleeing before the Khmer Rouge and dodging a couple of Vietnamese tanks before he stands at the Thai border with freedom before him. That conflated scenario betrays not only the reality of the Cambodian experience but also the meaning of Pran's personal journeys through Westernization, nationalism, political activism and disillusionment. The Vietnamese period in Cambodia cannot be detached from the American and the Khmer Rouge ones.

In spite of the monopolar perspective and the twisted history, *The Killing Fields* makes its good points with great dramatic force. It is hard to see it without referring to current conflicts as well, and noticing how inadequately *The Times* covers Central America in comparison to the job Sydney Schanberg did, for a while, in Indochina. Schanberg understood from the beginning that his government was addicted to lying, obsessed with winning and in love with war. He knew executioners when he saw them. So far from that now, Schanberg's successors see only the faults of the victims. □

EXCHANGE.

(*Continued From Page 570*)
tween Sandinista hard-liners and soft-liners. The split was between those in the rightist opposition who are willing to live with the idea of majority rule and those who are not.

The Democratic Conservatives are among the former. They nominated as their presidential candidate Clemente Guido, a doctor from a humble family who proudly announced that he was "the first presidential candidate in the history of the Conservative Party to come from the middle class."

Those who are not willing to accept what the Sandinistas call "the logic of the majority" continue to talk about the need for a government run by "competent people with good degrees from Cambridge, Paris and Harvard" or, worse, mutter that "the Sandinistas have roused uncultured, low-class people."

It is this second group that linked itself with Cruz. It includes as key figures Miriam Arguello, Somoza's U.N. ambassador, and Mario Rappaccioli, a feudal landowner and power broker in the old Conservative Party, who tells reporters he is eagerly awaiting the arrival of the U.S. marines to restore the social privileges of the old days.

Speaking in the United States recently, Lombardo Martinez, a prominent member of the Liberal Party, referred to these bitter-end types as "people who want to maintain the political system of the Middle Ages that the Spanish brought to Latin America and that the U.S. is trying to maintain."

Arturo Cruz has been living in Washington for decades and is badly out of touch, but he is a decent man. He deserved better than that lot. *Mark Cook*

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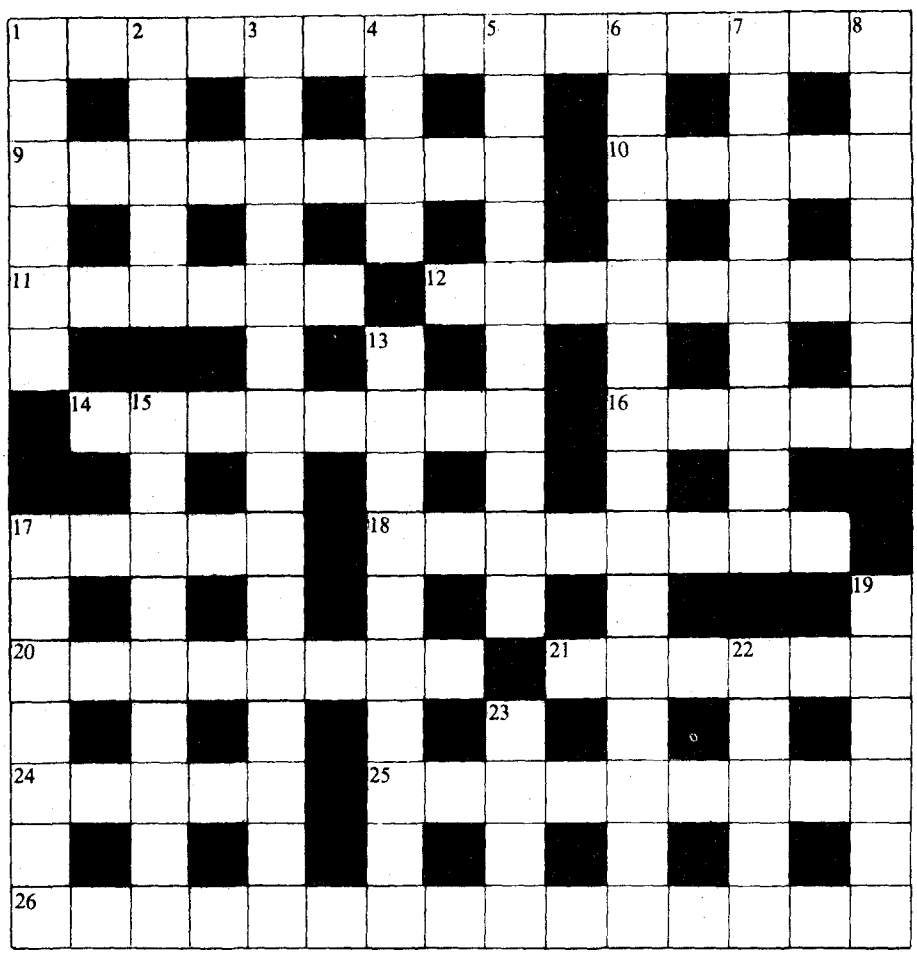

ACROSS

1 Nationless? It's as awful as being show-offs! (15)
9 Sounds like the days of chivalry might be dark! (9)
10 Slangy and unconventional. (5)
11 Modern-day cutters, perhaps, built like the S.S. Lear. (6)
12 Wolf isn't always seen after one's announcement. (8)
14 Are a must in entertainment. (Juggling is involved, but no money.) (8)
16 A mere homophone, or a mere anagram, but more than one spell of leadership proven by it. (5)
17 There's one in a degree, and a lot in anybody! (5)
18 Swift traveler. (8)
20 Maybe no hearts are broken by one so designing! (8)
21 You might consider it a knockout, hers being wrong, but in a way it's lawful. (6)
24 Went around with such as Gandhi? (5)
25 Gilbert's Frederic rose from it, in one plate possibly. (9)
26 Tells indirectly how many laps might be allowed in the stadium. (7,8)

DOWN

1 Not necessarily the swinging type—but you might hope to get to first base with one, anyway. (6)
2 The Emperor of Ethiopia evidently got drunk in England. (5)
3 A conductor of a train cut in so, or it got wrecked! (6,9)
4 I evidently don't pass the same thing again. (4)
5 Things that have their good points get crafty at last, unnecessarily so. (10)
6 You don't mean the territory of the Padres by it. (You can debase the state of the West, in part, if you do.) (5,10)
7 Profanation! Cries "A leg is broken!" (9)
8 Commonly missing, with the rest being broken, but that's what you might expect from a shady character! (7)
13 Budding and ablaze, with little George inside. (10)
15 Nominates, causing an upset in one state. (9)
17 Get to exist as teams, as well! (7)
19 Wind up, perhaps, if things are. (6)
22 Spirits appear some time before one. (5)
23 Things that they read up North add up to the East, obviously. (4)

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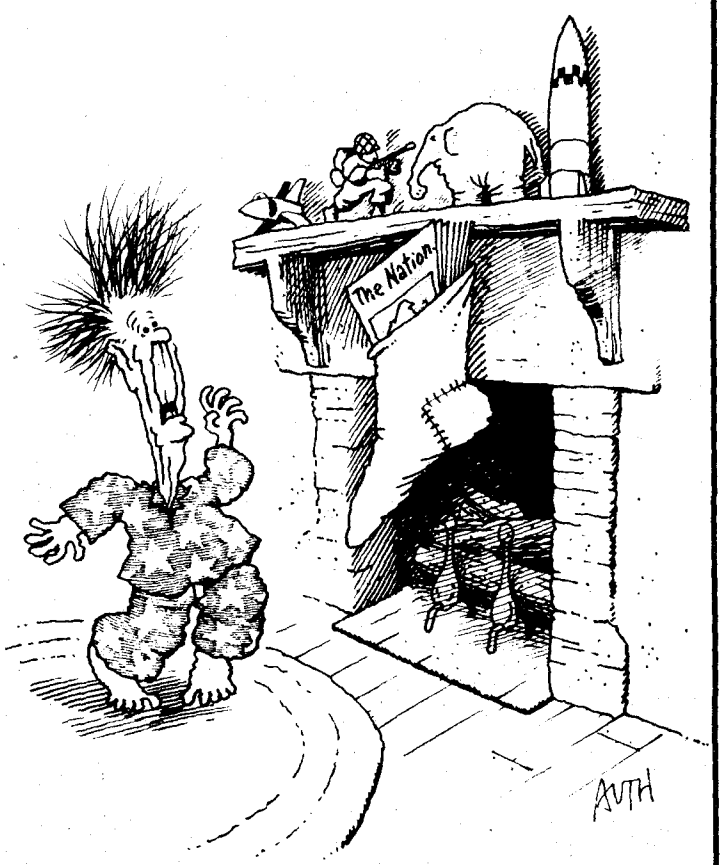

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